

Message

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**From:** Michaud, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1B492B9143FB48F2B4E1AD2B35D49DEF-MICHAUD, JOHN]  
**Sent:** 9/14/2017 1:17:21 PM  
**To:** Salo, Earl [Salo.Earl@epa.gov]; Openchowski, Charles [openchowski.charles@epa.gov]  
**CC:** Swenson, Erik [Swenson.Erik@epa.gov]  
**Subject:** RE: OGC Review requested: Updated EPCRA/CERCLA action summary

Thanks Earl.

Please forward the statement with your edits and indicate that we concur.

John

John R Michaud  
Associate General Counsel  
Solid Waste and Emergency Response Law Office  
202-564-5518  
michaud.john@epa.gov

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**From:** Salo, Earl  
**Sent:** Wednesday, September 13, 2017 1:15 PM  
**To:** Michaud, John <Michaud.John@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>  
**Cc:** Swenson, Erik <Swenson.Erik@epa.gov>  
**Subject:** FW: OGC Review requested: Updated EPCRA/CERCLA action summary  
**Importance:** High

All-

OLEM forwarded this draft statement for their webpage on the status of reporting by farms after the *Waterkeeper* decision. This draft includes my edits. I recommend that OGC concur with these edits.

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**From:** Gioffre, Patricia  
**Sent:** Tuesday, September 12, 2017 2:29 PM  
**To:** Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>  
**Cc:** Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>  
**Subject:** OGC Review requested: Updated EPCRA/CERCLA action summary  
**Importance:** High

OLEM Front Office edits on the communication statement that we have drafted to share on our website. The summary describes next steps for EPA to develop guidance on the EPCRA/CERCLA court vacatur. They want these revisions cleared through OGC.

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Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

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**Sent:** 10/2/2017 5:38:24 PM  
**To:** Lewis, Jen [Lewis.Jen@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]  
**Subject:** RE: CERCLA EPCRA - routine ag statement

OK. Thanks for letting me know.

John R Michaud  
Associate General Counsel  
Solid Waste and Emergency Response Law Office  
202-564-5518  
michaud.john@epa.gov

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**From:** Lewis, Jen  
**Sent:** Monday, October 02, 2017 1:38 PM  
**To:** Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>  
**Subject:** RE: CERCLA EPCRA - routine ag statement

I'm not, in w/ Ceci and Patrick

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

---

**From:** Swenson, Erik  
**Sent:** Monday, October 02, 2017 1:36 PM  
**To:** Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>  
**Subject:** RE: CERCLA EPCRA - routine ag statement

Yes, I can swing by.

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**To:** Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>  
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I'm free until 4.

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Thanks, Erik.

Are folks available now for a quick meeting to go over this draft?

John

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**From:** Swenson, Erik  
**Sent:** Monday, October 02, 2017 10:43 AM  
**To:** Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>  
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I went through this with Earl and we think the edits make the point well that everything on the farm falls within the routine ag operations exemption. That final paragraph is also a good transition from the prior statements we made on this topic. I created a clean copy for front office review.

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**From:** Lewis, Jen  
**Sent:** Monday, October 02, 2017 10:03 AM  
**To:** Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>  
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Hi – I've made some edits because it still looked like we were focusing on the manure a bit. If this is off-base, let's go back to Erik's version, but I would like you to consider it.

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I think that the paragraph starting "Farms that conduct routine agricultural operations..." is fine.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

**From:** Swenson, Erik

**Sent:** Friday, September 29, 2017 11:31 AM

**To:** Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>

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**To:** Salo, Earl [Salo.Earl@epa.gov]  
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Great. Thanks.

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**Subject:** RE: CERCLA EPCRA - routine ag statement

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**Subject:** CERCLA EPCRA - routine ag statement

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**Deliberative Process / Ex. 5**

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# Deliberative Process / Ex. 5

Message

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**From:** Jennings, Kim [Jennings.Kim@epa.gov]  
**Sent:** 1/25/2018 4:41:29 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Sullivan, Greg [Sullivan.Greg@epa.gov]; Miles, James [miles.james@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]  
**Subject:** Questions related to enforcing the CERCLA/EPCRA reporting requirements at farm operations.

Hi Susan,

Per our discussion yesterday, here are the enforcement questions that have been asked over the last several weeks related to enforcing the CERCLA/EPCRA reporting requirements at farm operations.

- Q. Will the EPA be enforcing against farm operations for failing to report or report appropriately under CERCLA or EPCRA?
- Q. What are the penalties for a farm owner/operator not reporting under the CERCLA or EPCRA reporting requirements?
- Q. How does a farmer know if they are still in "compliance with the Animal Feeding Operations Air Compliance Agreement" or whether their Agreement is still valid? For example, if a farmer has modified its facility or altered the number/species of animals, would the compliance agreement still be valid? (Tim Sullivan is developing a response)
- Q. Will producers be protected from citizen suit if they begin the notification reporting process shortly after a 60-day notice of suit is filed?

I have a meeting with James Miles and Greg Sullivan at 1 pm today to discuss these issues/questions.

Thanks,  
Kim

Kim Jennings  
Division Director || Regulations Implementation Division  
U.S. Environmental Protection Agency || Office of Emergency Management  
E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||

Message

---

**From:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Sent:** 11/25/2017 6:09:03 PM  
**To:** Miles, James [miles.james@epa.gov]  
**Subject:** FW: Update #3 for Today: CERCLA/EPCRA Ag issues

---

**From:** Gioffre, Patricia

**Sent:** Wednesday, November 22, 2017 3:03 PM

**To:** Jennings, Kim <Jennings.Kim@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Platt, Kerry <Platt.Kerry@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Refuge, Danielle <Refuge.Danielle@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth



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**Subject:** RE: Update #3 for Today: CERCLA/EPCRA Ag issues

Last update for the day!

OEM updated the CERCLA EPCRA website to include the following information in the Red Alert Box:

NEW! On November 22, 2017, the DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018.

Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. No reporting is necessary until the mandate is issued.

To expedite your initial continuous release notification to the National Response Center, you may use the temporary email option. This option avoids potential large call volumes and delays. It allows one email notification for owners/operators with multiple farms.

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Best wishes!

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**Subject:** Update #2 for Today: CERCLA/EPCRA Ag issues

Good news! The DC circuit granted our motion to further extend the mandate until January 22, 2018.

OEM is working to update the EPA website to communicate the extension. Making you all aware as well.

Best wishes! Have a safe and Happy Thanksgiving.

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**Sent:** Wednesday, November 22, 2017 11:47 AM

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**Subject:** Update: CERCLA/EPCRA Ag issues

Hello all-

Sharing with you a one-page briefing document that was prepared for the Administrator on the CERCLA/EPCRA reporting requirements for farms. This is an internal document and not meant for distribution.

As of this time, the DC Circuit Court has not issued the mandate that vacates the 2008 final rule. Therefore, farmers are still not required to report. We will send an update again next week as new information becomes available.

If you have any questions, please let me know.

Best wishes and have a safe and Happy Thanksgiving weekend!

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**From:** Jennings, Kim

**Sent:** Monday, November 20, 2017 2:48 PM

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**Subject:** IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi all,

I know that there has been a lot of frustration with ensuring that regional staff receive timely communications on the CERCLA EPCRA requirements for farmers. Activities on this issue have rapidly evolved and as a result, you have received information from external stakeholders or others within the Agency (rather than from OEM staff). We will make it a priority to do better moving forward, beginning with weekly updates. OEM will also send additional emails to communicate changes to the website or availability of other materials as quickly as we can.

With that said, let me take a moment to thank you all for your communication efforts thus far with ag stakeholders. I am sure you have spent a lot of time answering questions and listening to complaints from farmers. I know that it can be difficult being on the front lines of these interactions and I appreciate the time and effort you have taken to provide this customer service to our stakeholders. Please continue to answer these questions and encourage stakeholders to submit their questions to [CERCLA103.guidance@epa.gov](mailto:CERCLA103.guidance@epa.gov). The website is evergreen, and therefore, we will continue to consider comments to that email address after the 24<sup>th</sup> of this month.

Last week, OEM made several revisions to the website to address the overwhelming number of calls to the NRC from farmers making initial continuous release notifications. These changes happened rapidly, and in coordination with attorneys in OGC, to let farmers know that an email could substitute for a call to the NRC. Farmers (or their representatives) that send an email receive an automated response with the same CR-ERNS number to document the call. OEM will work with the regions to set up a system to manage these emails. So far, we have received approx. 2,400 emails. There could be multiple farms reported in some of these emails.

At this time, the NRC is not accepting calls from farmers who want to report an initial continuous release notification. OEM continues to work with the NRC to find a solution that allows farmers with no access to email to be able to make their initial notification without overwhelming the NRC duty officers. As we make progress working with the NRC, we will send out email updates.

At this time, farms are not yet required to comply with CERCLA/EPCRA reporting requirements. Once the DC circuit court issues the mandate that vacates the 2008 rule farms will once again be subject to the reporting requirements. We will send an update to you once we get news of an expected date the court will issue the mandate, and OEM will update the website.



Finally, I know you all are getting lots of questions from farmers. I want to include a couple of Q&As in this email that you can share with farmers when you speak with them. We intend to update the website with these Q&As as well as others.

**Q. Do farms that have cattle reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA section 103?**

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

**Q. If a farmer made an initial notification before the court issued the mandate, do they still need to submit a written report to the EPA regional office within 30 days?**

A: No. For those farmers who have already made their initial continuous release notification, the farmer should wait to submit the written report until the court issues the mandate. Within 30 days of the court mandate, the farmer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

If you have questions or concerns, please don't hesitate to contact us in OEM. You can call or email me or Sicy Jacob can be reached at 202-564-8019 and Patty Gioffre at 202-564-1972.

Kim

Kim Jennings

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**Sent:** Tuesday, November 14, 2017 1:01 PM

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**Subject:** IMPORTANT follow-up to the EPCRA/CERCLA Ag issues

Hi all (sorry if some of you are getting this twice),

I wanted to update on the EPCRA/CERCLA Ag issue. As you know, on April 11, 2017, the Court struck down the EPCRA/CERCLA final rule, eliminating the reporting exemptions for farms. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**. Several weeks ago, EPA provided guidance materials to help farmers understand their reporting obligations and, that guidance for farm owners/operators on our website at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

Several issues have arisen related to farmer owners/operators making their initial continuous release notification to the National Response Center (NRC). First, the NRC is experiencing a large volume of calls, which have the potential to overwhelm their capacity. Second, the automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, EPA has been working with the NRC program officials and made the following changes:

- The NRC has established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: [NRC-CERCLA-EPCRA-REPORT@uscg.mil](mailto:NRC-CERCLA-EPCRA-REPORT@uscg.mil). Alternatively, the NRC phone number for these notifications is: 1-800-424-8802.
- Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days. Therefore, on or around December 15, 2017, all EPA Regional offices will be receiving a large number of written continuous release reports from farm owners/operators.

Regarding the factsheet or "cheat sheet" that was developed to provide compliance assistance to farmers who may soon need to report air release from animal waste under the CERCLA section 103, EPA is working on revising that document to include the above information and will get that out to you as soon as we can.

Thanks,  
Kim

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Foster, Althea [<foster.althea@epa.gov>](mailto:foster.althea@epa.gov); Hodges, Angela [<Hodges.Angela@epa.gov>](mailto:Hodges.Angela@epa.gov); Howard, AshleyA  
[<Howard.AshleyA@epa.gov>](mailto:Howard.AshleyA@epa.gov); Mason, Steve [<mason.steve@epa.gov>](mailto:mason.steve@epa.gov); Moore, Nathaniel [<Moore.Nathaniel@epa.gov>](mailto:Moore.Nathaniel@epa.gov);  
Murdock, James [<Murdock.James@epa.gov>](mailto:Murdock.James@epa.gov); Pearson, Evan [<Pearson.Evan@epa.gov>](mailto:Pearson.Evan@epa.gov); Phelps, Sherronda  
[<Phelps.Sherronda@epa.gov>](mailto:Phelps.Sherronda@epa.gov); Robledo, Tony [<Robledo.Tony@epa.gov>](mailto:Robledo.Tony@epa.gov); Rogers, Elizabeth  
[<rogers.elizabeth@epa.gov>](mailto:rogers.elizabeth@epa.gov); Smalley, Bryant [<smalley.bryant@epa.gov>](mailto:smalley.bryant@epa.gov); Smith, Monica [<smith.monica@epa.gov>](mailto:smith.monica@epa.gov);  
Stucky, Marie [<Stucky.Marie@epa.gov>](mailto:Stucky.Marie@epa.gov); Tate, Samuel [<Tate.Samuel@epa.gov>](mailto:Tate.Samuel@epa.gov); Thompson, Steve  
[<thompson.steve@epa.gov>](mailto:thompson.steve@epa.gov); Trawick, Matthew [<Trawick.Matthew@epa.gov>](mailto:Trawick.Matthew@epa.gov); Ward, Misty [<ward.misty@epa.gov>](mailto:ward.misty@epa.gov);  
Bieri, Britt [<bieri.britt@epa.gov>](mailto:bieri.britt@epa.gov); Blunk, Terri [<Blunk.Terri@epa.gov>](mailto:Blunk.Terri@epa.gov); Bosch, Raymond [<Bosch.Raymond@epa.gov>](mailto:Bosch.Raymond@epa.gov);  
Brewer, Laura [<brewer.laura@epa.gov>](mailto:brewer.laura@epa.gov); Bunch, Howard [<Bunch.Howard@epa.gov>](mailto:Bunch.Howard@epa.gov); Harper, Jodi  
[<Harper.Jodi@epa.gov>](mailto:Harper.Jodi@epa.gov); Hayes, Scott [<Hayes.Scott@epa.gov>](mailto:Hayes.Scott@epa.gov); Hensley, Dave [<Hensley.Dave@epa.gov>](mailto:Hensley.Dave@epa.gov); Hoard,  
Christine [<Hoard.Christine@epa.gov>](mailto:Hoard.Christine@epa.gov); LaBoda, Sarah [<LaBoda.Sarah@epa.gov>](mailto:LaBoda.Sarah@epa.gov); Mills, Clarissa [<mills.clarissa@epa.gov>](mailto:mills.clarissa@epa.gov);  
Ndiaye, Fatimatou [<Ndiaye.Fatimatou@epa.gov>](mailto:Ndiaye.Fatimatou@epa.gov); Pessetto, Jared [<Pessetto.Jared@epa.gov>](mailto:Pessetto.Jared@epa.gov); Reitz, Katherine  
[<reitz.katherine@epa.gov>](mailto:reitz.katherine@epa.gov); Reitz, Patricia [<Reitz.Patricia@epa.gov>](mailto:Reitz.Patricia@epa.gov); Rosado-Chaparro, Wilfredo [<Rosado-Chaparro.Wilfredo@epa.gov>](mailto:Rosado-Chaparro.Wilfredo@epa.gov);  
Stotts, Krystal [<Stotts.Krystal@epa.gov>](mailto:Stotts.Krystal@epa.gov); Trotter, Jennifer [<Trotter.Jennifer@epa.gov>](mailto:Trotter.Jennifer@epa.gov);  
Weekley, Erin [<weekley.erin@epa.gov>](mailto:weekley.erin@epa.gov); Whisnant, Amber [<Whisnant.Amber@epa.gov>](mailto:Whisnant.Amber@epa.gov); Atencio, Kathie  
[<Atencio.Kathie@epa.gov>](mailto:Atencio.Kathie@epa.gov); Bockstahler, Breann [<Bockstahler.breann@epa.gov>](mailto:Bockstahler.breann@epa.gov); Broussard, Rebecca  
[<Broussard.Rebecca@epa.gov>](mailto:Broussard.Rebecca@epa.gov); Chavez, Luke [<Chavez.Luke@epa.gov>](mailto:Chavez.Luke@epa.gov); Cobb, David [<cobb.david@epa.gov>](mailto:cobb.david@epa.gov); Meyer,  
Jeff [<Meyer.Jeff@epa.gov>](mailto:Meyer.Jeff@epa.gov); Ramirez, Steven A [<ramirez.stevena@epa.gov>](mailto:ramirez.stevena@epa.gov); Reed, Lori [<Reed.Lori@epa.gov>](mailto:Reed.Lori@epa.gov); Robinson,  
Janis [<Robinson.Janis@epa.gov>](mailto:Robinson.Janis@epa.gov); Weiner, Marc [<Weiner.Marc@epa.gov>](mailto:Weiner.Marc@epa.gov); Bazley, Greg [<Bazley.Greg@epa.gov>](mailto:Bazley.Greg@epa.gov); Berg,  
Elizabeth [<Berg.Elizabeth@epa.gov>](mailto:Berg.Elizabeth@epa.gov); BERMAN, TESSA [<Berman.Tessa@epa.gov>](mailto:Berman.Tessa@epa.gov); Deyoe, Jeremy  
[<deyoe.jeremy@epa.gov>](mailto:deyoe.jeremy@epa.gov); Gallo, Madeline [<Gallo.Madeline@epa.gov>](mailto:Gallo.Madeline@epa.gov); Henry, Karen [<Henry.Karen@EPA.GOV>](mailto:Henry.Karen@EPA.GOV);  
Johnstone, Jeremy [<Johnstone.Jeremy@epa.gov>](mailto:Johnstone.Jeremy@epa.gov); Jones, Bill [<jones.bill@epa.gov>](mailto:jones.bill@epa.gov); Lawrence, Kathryn

<Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <nixon.donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

**Subject:** IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

How about:

Hi all- I am sure you are eager to get more information on how EPA is addressing the court's vacatur of the final rule that exempted farms from reporting air releases of hazardous substances from animal waste.

- On April 11, 2017, the DC Circuit Court vacated this final rule.
- In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.
- To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA Senior Leadership in OLEM, OGC, and OECA are working on guidance to assist farms in reporting their air releases under CERCLA and EPCRA. EPA is working to have this guidance available to farmers with enough time to review the guidance and comply with the reporting requirements.

I believe that Patty Gioffre and Sicy Jacob provided a brief update during the last EPCRA/CERCLA/112(r) enforcement call. There was also a discussion about the attached letter drafted by Region 5 and how that may not currently reflect the guidance that we plan to issue.

I would like to reiterate that since we are working on providing guidance to farms, the Regions should NOT send out letters to farmers explaining their responsibilities to report hazardous substance releases under CERCLA and EPCRA. Please wait until we have finalized the guidance on how to comply with EPCRA/CERCLA reporting requirements for air releases of hazardous substances from animal waste.

Thanks and let me know if you have any questions.

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||

Message

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**From:** Sullivan, Greg [Sullivan.Greg@epa.gov]  
**Sent:** 10/31/2017 7:13:27 PM  
**To:** Miles, James [miles.james@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]  
**Subject:** Fwd: CERCLA and EPCRA Ag Guidance is now available

Sent from my iPhone

Begin forwarded message:

**From:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>  
**Date:** October 31, 2017 at 2:00:25 PM EDT  
**To:** "Ziegel, Dean" <Ziegel.Dean@epa.gov>  
**Cc:** "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>  
**Subject:** RE: CERCLA and EPCRA Ag Guidance is now available

No, I had not heard. Thanks for sharing.

Rosemarie

---

**From:** Ziegel, Dean  
**Sent:** Tuesday, October 31, 2017 12:12 PM  
**To:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Subject:** FW: CERCLA and EPCRA Ag Guidance is now available

Hi Rosemarie,

I'm sure you are aware of this but the CERCLA/EPCRA Guidance for farms has been posted. See below.

# Deliberative Process / Ex. 5

If you have any questions, please let me know.

Thanks,  
Dean

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, October 25, 2017 9:35 PM  
**To:** Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Molloy, Jennifer <molloy.jennifer@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Bonnelycke, Nina

<Bonnelycke.Nina@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>  
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Ziegel, Dean  
<Ziegel.Dean@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>;  
OLEM OEM Managers <OLEMOEMManagers@epa.gov>; Cheatham, Reggie  
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Indermark, Michele  
<Indermark.Michele@epa.gov>

**Subject:** CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

-----  
Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

Message

---

**From:** Miles, James [miles.james@epa.gov]  
**Sent:** 4/18/2018 6:02:00 PM  
**To:** Miles, James [miles.james@epa.gov]  
**Subject:** EPCRA Guidance call

# Deliberative Process / Ex. 5

James Miles, Chief  
Chemical Risk and Reporting Enforcement Branch  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
William Jefferson Clinton Bldg., South, Rm. 4111A  
1200 Constitution Ave., NW  
Washington, DC 20460  
202.564.5161  
[miles.james@epa.gov](mailto:miles.james@epa.gov)

Message

---

**From:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Sent:** 4/26/2018 6:11:31 PM  
**To:** Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Miles, James [miles.james@epa.gov]  
**Subject:** RE: More edits provided by OMB on EPCRA Q&A

Hi Greg,

I have been finding out about, and been participating in, these calls.

Dean

---

**From:** Sullivan, Greg  
**Sent:** Thursday, April 26, 2018 12:53 PM  
**To:** Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Subject:** Fwd: More edits provided by OMB on EPCRA Q&A

FYI. Dean, I am not seeing your name on some of these emails. Can you Check-In with Gerain to get on the list? Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>  
**Date:** April 26, 2018 at 10:50:10 AM MDT  
**To:** "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Cooperstein, Sharon" <Cooperstein.Sharon@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Subramanian, Hema" <Subramanian.Hema@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Principe, Vanessa" <Principe.Vanessa@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>  
**Subject:** More edits provided by OMB on EPCRA Q&A

Attached are two follow-up comments/edits (highlighted in yellow) on the routine agricultural Q&A.

There are no more comments on the Farm Act Guidance.



Message

---

**From:** Sullivan, Greg [Sullivan.Greg@epa.gov]  
**Sent:** 4/26/2018 4:52:37 PM  
**To:** Saenz, Diana [Saenz.Diana@epa.gov]; Miles, James [miles.james@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Subject:** Fwd: More edits provided by OMB on EPCRA Q&A  
**Attachments:** EO 12866 Interagency Review Comments EPCRA Q and A - routine agricultural operations 4.26.docx; ATT00001.htm

FYI. Dean, I am not seeing your name on some of these emails. Can you Check-In with gerain to get on the list? Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>  
**Date:** April 26, 2018 at 10:50:10 AM MDT  
**To:** "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Cooperstein, Sharon" <Cooperstein.Sharon@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Subramanian, Hema" <Subramanian.Hema@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Principe, Vanessa" <Principe.Vanessa@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>  
**Subject:** More edits provided by OMB on EPCRA Q&A

Attached are two follow-up comments/edits (highlighted in yellow) on the routine agricultural Q&A.

There are no more comments on the Farm Act Guidance.

Message

---

**From:** Sullivan, Greg [Sullivan.Greg@epa.gov]  
**Sent:** 4/16/2018 1:39:19 PM  
**To:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**CC:** Miles, James [miles.james@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]  
**Subject:** FW: EPCRA  
**Attachments:** EPCRA Q and A - FARM Act - CLEAN version 4-13-18.docx; EPCRA Q and A - routine agricultural operations - CLEAN version 4-13-18.docx

Hey Dean - making sure you saw this,

**Deliberative Process / Ex. 5**

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**From:** Jennings, Kim  
**Sent:** Friday, April 13, 2018 4:02 PM  
**To:** Breen, Barry <Breen.Barry@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Michaud, John <Michaud.John@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>  
**Cc:** Indermark, Michele <Indermark.Michele@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>  
**Subject:** RE: EPCRA

Hi all,

As agreed at our meeting on Tuesday, attached are two revised Qs and As: one on the FARM Act and the other on Routine Agriculture Operations. We will discuss these at our meeting on Monday.

Thanks,  
Kim

Kim Jennings  
Division Director || Regulations Implementation Division  
U.S. Environmental Protection Agency || Office of Emergency Management  
E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||

-----Original Appointment-----

**From:** Breen, Barry  
**Sent:** Tuesday, March 27, 2018 3:02 PM  
**To:** Breen, Barry; Jennings, Kim; Hostage, Barbara; Gioffre, Patricia; Cogliano, Gerain; Cheatham, Reggie; Brooks, Becky; Fotouhi, David; Jacob, Sicy; Franklin, Kathy; Michaud, John; ODea, Elise; Lewis, Jen; Cooperstein, Sharon; Clark, Becki; Principe, Vanessa; Simon, Nigel; Bennett, Tate; Bowman, Liz; Subramanian, Hema; Grantham, Nancy; Benjamin, Kent; Taylor, Trish; Cook, Steven  
**Cc:** Indermark, Michele; Swenson, Erik  
**Subject:** EPCRA  
**When:** Wednesday, April 11, 2018 10:00 AM-10:45 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** 3146 epaw **Conference Number / Ex. 6**

Poc: Becky Brooks 202-566-2235  
Sch: Teresa Hill 202-566-0184

Message

---

**From:** Miles, James [miles.james@epa.gov]  
**Sent:** 1/30/2018 9:52:24 PM  
**To:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Subject:** RE: CERCLA/EPCRA Potential NAA

Looks good, made a few edits below, can you send to the group now?

---

**From:** Ziegel, Dean  
**Sent:** Tuesday, January 30, 2018 4:38 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Subject:** CERCLA/EPCRA Potential NAA

James, not exactly sure what Greg wanted for the group but I wanted to get you a draft before I left for the evening. Let me know if you think this is what he's looking for---

Notes from conference call with Kim Jennings and Patty Gioffre from OLEM (Greg, Diana, James and Dean):

The DC Circuit is considering the Agency's motion to extend the mandate by 3 months to give us time to develop guidance for farms.

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

In looking for any public statements on upcoming/proposed rulemaking to support a potential NAA:

# Deliberative Process / Ex. 5

# **Deliberative Process / Ex. 5**

Message

---

**From:** Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]  
**Sent:** 1/29/2018 8:04:41 PM  
**To:** Dean Ziegel [Ziegel.Dean@epa.gov]  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

If correct, can you clarify that for EPCRA the stated intention is a rule on the exemption, and that Greg's statement is correct as it relates to CERCLA?

---

**From:** Sullivan, Greg  
**Sent:** Monday, January 29, 2018 3:03 PM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Cc:** Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

John – early returns are that the agency has not stated an intent to revise rules. Waiting on Kim to confirm.

---

**From:** Miles, James  
**Sent:** Monday, January 29, 2018 2:40 PM  
**To:** Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>  
**Cc:** Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

---

**From:** Ziegel, Dean  
**Sent:** Monday, January 29, 2018 2:34 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

See below.

---

**From:** Gioffre, Patricia  
**Sent:** Monday, January 29, 2018 2:33 PM  
**To:** Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Subject:** CERCLA EPCRA Rulemaking-Public statements

The only public statement that I am certain of is the EPCRA interpretation of "used in routine ag operations."

We have had questions on whether EPA can revise the RQ for ammonia and H2S but no definitive statements that we would undertake a regulation on this (to my knowledge).

I know we have not made any public statements on the other two rules cited below.

The good cause rule from the matrix is to provide alternative options to a phone call (email, snail mail, texts) for contacting the NRC to provide an initial continuous release notification. That could potentially be combined with a rule to further revise continuous release reporting to EPA by eliminating lat/long and address information from written reports to EPA (in order to address privacy concerns).

Copying Kim and Gerain to confirm that there is nothing in the reg. agenda.

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

Follow OLEM on Twitter @EPALand

**From:** Ziegel, Dean  
**Sent:** Monday, January 29, 2018 2:22 PM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>  
**Subject:** RE: CERCLA EPCRA Update-Website Revisions

Hi Patty,

Just got out of a meeting with my management and a question came up Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thanks so much for your input.

Dean

-----  
**From:** Gioffre, Patricia  
**Sent:** Monday, January 29, 2018 1:53 PM  
**To:** Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Schulze, Chad <Schulze.Chad@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison

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**Subject:** CERCLA EPCRA Update-Website Revisions

All-Providing an update on CERCLA/EPCRA outreach activities. Please feel free to share this information.

#### Website revisions

Today EPA updated the CERCLA/EPCRA website [www.epa.gov/animlwaste](http://www.epa.gov/animlwaste) to include new Q&As and to reorganize the information to make it easier to follow.

New questions:

- Why do I need to report?
- Why can't EPA tell me how many animals require reporting?
- How will EPA protect my personal information?

We will continue to update the website with additional questions as responses are developed.

We have also reorganized the site to group FAQ's into categories.

- Updates
- Overview
- Reporting Exemption and Resulting Litigation
- Purpose
- Frequent Questions
  - Reporting Requirements
    - \* EPCRA Reporting Requirements
    - \* General CERCLA Requirements
    - \* Previous Reporting
    - \* Other Circumstances
  - How to Report
  - Emissions
- Resources

#### Court Mandate

As of this time, the DC Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms. The court has not yet responded to the EPA's request to further delay the mandate. Once the court makes a decision, we will send out an update. Once the court issues the mandate the statutory reporting requirements will go back into effect.

-----  
Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

-----  
Follow OLEM on Twitter @EPALand

Message

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**From:** Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]  
**Sent:** 2/8/2018 4:08:29 PM  
**To:** Sullivan, Greg [Sullivan.Greg@epa.gov]  
**Subject:** FW: Drafts of No Action Assurance letter and request from OLEM  
**Attachments:** naa-practiceguidedraft.pdf; NAA letter EPCRA 02-6-18.docx; NAA request MEMORANDUM.docx

---

**From:** Ziegel, Dean  
**Sent:** Tuesday, February 06, 2018 4:15 PM  
**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>  
**Cc:** Sullivan, Tim <Sullivan.Tim@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Miles, James <miles.james@epa.gov>  
**Subject:** Drafts of No Action Assurance letter and request from OLEM

John, et al.,

Attached are drafts of the NAA and OLEM request memo regarding EPCRA/[CERLCA] farm release reporting relief. Please let me know if we're on the right track....

Thanks,  
Dean

Message

---

**From:** Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]  
**Sent:** 1/31/2018 8:57:27 PM  
**To:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

BOOM

---

**From:** Ziegel, Dean  
**Sent:** Wednesday, January 31, 2018 3:57 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

We chatted. Thanks!

---

**From:** Miles, James  
**Sent:** Wednesday, January 31, 2018 3:55 PM  
**To:** Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

We covered it, might have been a number issue. Dean has the scoop if you can reach out to him.

---

**From:** Sullivan, Tim  
**Sent:** Wednesday, January 31, 2018 3:14 PM  
**To:** Ziegel, Dean <Ziegel.Dean@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>  
**Cc:** Sullivan, Tim <Sullivan.Tim@epa.gov>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

I just dialed in for the WCED General – I assume that we have not reached this topic on the agenda yet (and that this item is still on the agenda).

Thanks –

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
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Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

Help eliminate environmental violations - report tips and complaints at:  
<http://www.epa.gov/compliance/complaints/index.html>

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---

**From:** Ziegel, Dean

**Sent:** Wednesday, January 31, 2018 5:21 AM

**To:** Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>

**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

*Notes from yesterday's conference call with Kim Jennings and Patty Gioffre from OLEM (Greg, Diana, James and Dean on the line from WCED):*

The DC Circuit is considering the Agency's motion to extend the mandate by 3 months to give us time to develop guidance for farms. If the court grants the motion, OLEM will be expediting the development of various rules relating to farm release reporting under CERCLA/EPCRA. If the court denies the motion the reporting mandate is effective and farms will need to report (most certainly using the CERCLA Continuous Release (CR) Reporting form/mechanism?).

In looking for any public statements on upcoming/proposed rulemaking to support a potential NAA:

A clear statement has been made by OLEM regarding EPCRA rulemaking likely to exempt farms in <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. **"EPA intends to conduct a rulemaking to clarify its interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements."**

OLEM is working on rules related to streamlining the CERCLA CR reporting form, modifying the written CR follow-up requirements (removing location information to address farmer's privacy concerns), and adjusting Reportable Quantities for Ammonia and Hydrogen Sulfide (the two primary hazardous substances released at farms).

Farmers have raised concerns about the accuracy of the emissions contained within their CR reports. Although we have rarely, if ever, taken action on "data quality" in this regard, OLEM has made statements in <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> where the Agency has provided great latitude to farms to develop its estimates of emissions:

**To help you comply with the reporting requirements, EPA has made resources available that may be helpful in estimating emissions of ammonia and/or hydrogen sulfide. You may also use other models for estimating emissions or you may estimate quantities of releases by relying on:**

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

**Facility owners and operators are required to report an estimate only - monitoring data is not required. Additionally, farmers are not required to reduce emissions. Farmers should keep a copy of the calculation for future reference.**

Finally, the Office of Air and Radiation has been on the hook to develop pertinent Emission Standards for many years. According to OLEM, OAR will identify this activity on this summer's schedule by early summer.

---

**From:** Fogarty, Johnpc  
**Sent:** Tuesday, January 30, 2018 10:13 AM  
**To:** Sullivan, Greg <[Sullivan.Greg@epa.gov](mailto:Sullivan.Greg@epa.gov)>  
**Cc:** Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

What's missing is what those would be – presumably our bridging NAA would have to specify some type of action/behavior that a regulated entity, that we would say if they do it, we will hold our enforcement hand. If we're the ones specifying those, then we are assuming the program office's regulatory function to specify the applicable standards.

---

**From:** Sullivan, Greg  
**Sent:** Tuesday, January 30, 2018 10:09 AM  
**To:** Fogarty, Johnpc <[Fogarty.Johnpc@epa.gov](mailto:Fogarty.Johnpc@epa.gov)>  
**Cc:** Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

I'm going to propose this – would it be enough?

Q: What is the Agency's long-term plan for reporting released of hazardous substances from animal waste to the air?

A: The Agency is developing a set of rule proposals to clarify the threshold quantities, exemptions and processes for CERCLA and EPCRA reporting.

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**From:** Fogarty, Johnpc  
**Sent:** Monday, January 29, 2018 3:05 PM  
**To:** Sullivan, Greg <[Sullivan.Greg@epa.gov](mailto:Sullivan.Greg@epa.gov)>  
**Cc:** Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>  
**Subject:** RE: CERCLA EPCRA Rulemaking-Public statements

OK. Wouldn't need to be much – could even do it as a FAQ on the website.

---

**From:** Sullivan, Greg  
**Sent:** Monday, January 29, 2018 3:03 PM  
**To:** Fogarty, Johnpc <[Fogarty.Johnpc@epa.gov](mailto:Fogarty.Johnpc@epa.gov)>  
**Cc:** Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

John – early returns are that the agency has not stated an intent to revise rules. Waiting on Kim to confirm.

---

**From:** Miles, James  
**Sent:** Monday, January 29, 2018 2:40 PM  
**To:** Sullivan, Greg <[Sullivan.Greg@epa.gov](mailto:Sullivan.Greg@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>

**Cc:** Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

---

**From:** Ziegel, Dean  
**Sent:** Monday, January 29, 2018 2:34 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Subject:** FW: CERCLA EPCRA Rulemaking-Public statements

See below.

---

**From:** Gioffre, Patricia  
**Sent:** Monday, January 29, 2018 2:33 PM  
**To:** Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Subject:** CERCLA EPCRA Rulemaking-Public statements

The only public statement that I am certain of is the EPCRA interpretation of "used in routine ag operations."

We have had questions on whether EPA can revise the RQ for ammonia and H2S but no definitive statements that we would undertake a regulation on this (to my knowledge).

I know we have not made any public statements on the other two rules cited below.

The good cause rule from the matrix is to provide alternative options to a phone call (email, snail mail, texts) for contacting the NRC to provide an initial continuous release notification. That could potentially be combined with a rule to further revise continuous release reporting to EPA by eliminating lat/long and address information from written reports to EPA (in order to address privacy concerns).

Copying Kim and Gerain to confirm that there is nothing in the reg. agenda.

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

-----  
[Follow OLEM](#) on Twitter @EPALand

---

**From:** Ziegel, Dean  
**Sent:** Monday, January 29, 2018 2:22 PM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>  
**Subject:** RE: CERCLA EPCRA Update-Website Revisions

Hi Patty,

Just got out of a meeting with my management and a question came up re

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thanks so much for your input.

Dean

**From:** Gioffre, Patricia

**Sent:** Monday, January 29, 2018 1:53 PM

**To:** Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Schulze, Chad <Schulze.Chad@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>;



Stucky, Marie <Stucky.Marie@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine <reitz.katherine@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; jones, bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averbach, Jonathan <Averbach.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Mendez, Lucia <Mendez.Lucia@epa.gov>

Cc: Perrin, Karla <perrin.karla@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Molloy, Jennifer <molloy.jennifer@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; OLEM OEM RID <OLEM\_OEM\_RID@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

**Subject:** CERCLA EPCRA Update-Website Revisions

All-Providing an update on CERCLA/EPCRA outreach activities. Please feel free to share this information.

#### Website revisions

Today EPA updated the CERCLA/EPCRA website [www.epa.gov/animlwaste](http://www.epa.gov/animlwaste) to include new Q&As and to reorganize the information to make it easier to follow.

New questions:

- Why do I need to report?
- Why can't EPA tell me how many animals require reporting?
- How will EPA protect my personal information?

We will continue to update the website with additional questions as responses are developed.

We have also reorganized the site to group FAQ's into categories.

- Updates
- Overview
- Reporting Exemption and Resulting Litigation
- Purpose
- Frequent Questions
  - Reporting Requirements
    - \* EPCRA Reporting Requirements
    - \* General CERCLA Requirements
    - \* Previous Reporting
    - \* Other Circumstances
  - How to Report
  - Emissions
- Resources

#### **Court Mandate**

As of this time, the DC Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms. The court has not yet responded to the EPA's request to further delay the mandate. Once the court makes a decisions, we will send out an update. Once the court issues the mandate the statutory reporting requirements will go back into effect.

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Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

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[Follow OLEM](#) on Twitter @EPALand

Message

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**From:** Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]  
**Sent:** 4/24/2018 6:32:22 PM  
**To:** Dean Ziegel [Ziegel.Dean@epa.gov]  
**Subject:** FW: OMB/Interagency Comments on Q&As for CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms (RIN 2050-ZA14)  
**Attachments:** EO 12866 Interagency Review Comments EPCRA Q and A - routine agricultural operations.docx; ATT00001.htm; EO 12866 Interagency Review Comments EPCRA Q and A - Farm Act.docx; ATT00002.htm

You covering this call?

---

**From:** Sullivan, Greg  
**Sent:** Tuesday, April 24, 2018 2:00 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Cc:** Saenz, Diana <Saenz.Diana@epa.gov>  
**Subject:** Fwd: OMB/Interagency Comments on Q&As for CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms (RIN 2050-ZA14)

FYI. It looked like dean was on the distribution.

Sent from my iPhone

Begin forwarded message:

**From:** "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>  
**Date:** April 24, 2018 at 6:41:16 AM MDT  
**To:** "Jennings, Kim" <Jennings.Kim@epa.gov>, "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Principe, Vanessa" <Principe.Vanessa@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "ODea, Elise" <odea.elise@epa.gov>, "Subramanian, Hema" <Subramanian.Hema@epa.gov>, "Ziegel, Dean" <Ziegel.Dean@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Cooperstein, Sharon" <Cooperstein.Sharon@epa.gov>  
**Cc:** "Breen, Barry" <Breen.Barry@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Clark, Becki" <Clark.Becki@epa.gov>  
**Subject:** OMB/Interagency Comments on Q&As for CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms (RIN 2050-ZA14)

Attached are the interagency reviewers (minus DOJ's) comments on the two guidance documents. We will hear DOJ's concerns today at 2:30.

BTW, for the following interagency comments, which I had discussed with OMB last week:

## Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Message

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**From:** Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]  
**Sent:** 9/25/2017 2:45:52 PM  
**To:** Ziegel, Dean [Ziegel.Dean@epa.gov]  
**Subject:** Re: IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

Yeah, Larry and maybe Susan B/Patrick.

OCE Weekly w/AA/DAA/PDAA, **Conference Number / Ex. 6**  
**When:** Mon 9/25/2017 11:00a - 12:00p  
**Where:** 3216WJC-South

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**From:** Ziegel, Dean  
**Sent:** Monday, September 25, 2017 10:42:49 AM  
**To:** Miles, James  
**Subject:** RE: IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

I'm working from my AWS, but I'll dial in. This is the Larry meeting, right?

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**From:** Miles, James  
**Sent:** Monday, September 25, 2017 10:41 AM  
**To:** Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Subject:** Re: IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

Can you attend or call in?

Sent from my iPhone

On Sep 25, 2017, at 10:38 AM, Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)> wrote:

# Deliberative Process / Ex. 5

Dean

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**From:** Miles, James  
**Sent:** Monday, September 25, 2017 10:14 AM  
**To:** Sullivan, Greg <[Sullivan.Greg@epa.gov](mailto:Sullivan.Greg@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Ziegel, Dean

# Deliberative Process / Ex. 5

This might come up at the 11am meeting.

A Sept 19<sup>th</sup> 2017 OIG Report prompted some additional discussion with the senior management - [https://www.epa.gov/sites/production/files/2017-09/documents/epa\\_oig\\_20170919-17-p-0396.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/epa_oig_20170919-17-p-0396.pdf)

See footnote 12 on point: In a 2008 rule, the EPA exempted from CERCLA Section 103 reporting requirements all releases of hazardous substances to the air from animal waste at AFOs. The rule also exempted such releases from EPCRA Section 304 reporting requirements, except when AFOs confine a number of animals at or above the large CAFO threshold, as defined under Clean Water Act regulations. However, on April 11, 2017, the U.S. Court of Appeals for the District of Columbia Circuit ruled in favor of a group of environmental organizations that challenged the exemption and ordered that the 2008 rule be vacated (*Waterkeeper Alliance et al. v. EPA*). On July 17, 2017, the EPA filed a motion requesting the Court grant a stay of the ruling for six months to allow the EPA time to develop guidance for farms on reporting requirements. On August 16, 2017, the Court ordered a stay of the ruling through November 14, 2017. The EPA has 75 days from August 16, 2017, to request an extension of the stay if needed.

# Deliberative Process / Ex. 5

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**From:** Jennings, Kim

**Sent:** Thursday, September 21, 2017 7:09 AM

**To:** Haas, Craig; Brown, Deborah; Chin, William; Gaffey, Jim; O'Donnell, Mary Jane; Peavey, Dwight; Rascher, Chris; Smith, Catherine; Wallace, Leonard; Gallagher, Shirin; Garcia, Terry; Hales, Bob; Hartman, Bob; Leefers, Kristin; LeGreid, Kathleen; Magdangal, David; Mairs, Stephanie; McFadden, Kelly; Meinhardt, Danielle; Morales, Javier; Phillips, Peter; Vergeront, Julie; Williams, Erin; Banner, Ellen; Dholakia, Umesh; Ghaffari, Mozafar; Harrington, Dwayne; Leung, Chao; Maimone, Francesco; Mosher, Eric; Ouedraogo, Idrissa; Petty, Joel; Regna, Jean; Rivera, Carlos; Rodriguez, Nancy; Armstrong, Joan; Baginski, Alfred; Beckley, Patrick; Daniel, Kevin; Dunn, Michael; Gallagher, Theresa; Garcia, Jefferie; Gardner, Allison; Gilley, Anne; Hunt, Mary; Nilsen, Ashley; pandya, perry; Parent, Suzanne; VanOrden, James; Weiss, Cynthia; Welsh, Mike; Ziegler, Lauren; Bookman, Robert; Caplan, Robert W.; Chow, Eddie; Cobb, Brandon; Crum, Lynda; Devkota, Om; Fite, Mark; Grant, Deanne; Groendyke, Todd; Juan, Rodolfo; Kono, Michiko; Noles, Jordan; Nowell, Valerie; Platt, Kerry; Poole, Vinson; Refuge, Danielle; Rouch, Ellen; Rubini, Suzanne; Russo, Todd; Spagg, Beverly; Toney, Anthony; Warrilow, Phyllis; Weeks, Victor; White, Erika; Bezerra, Joana; Chomycia, Greg; Chrzaszcz, Monika; Entzminger, James; Hans, Mick; Jager, Ginger; Kaiser, Steven; Mayhugh, Robert; McNamara, Ruth; Moore, Cecilia; Palomo, Silvia; Riley, Ellen; Smith, Robert H; Wagner, William; Barra, Michael; Clay, Jeffrey; Ford, Debbie; Foster, Althea; Hodges, Angela; Howard, AshleyA; Mason, Steve; Moore, Nathaniel; Murdock, James; Pearson, Evan; Phelps, Sherronda;

Robledo, Tony; Rogers, Elizabeth; Smalley, Bryant; Smith, Monica; Stucky, Marie; Bates, Samuel; Thompson, Steve; Trawick, Matthew; Ward, Misty; Bieri, Britt; Blunk, Terri; Bosch, Raymond; Brewer, Laura; Bunch, Howard; Harper, Jodi; Hayes, Scott; Hensley, Dave; Hoard, Christine; LaBoda, Sarah; Mills, Clarissa; Ndiaye, Fatimatou; Pessetto, Jared; Reitz, Katherine; Reitz, Patricia; Rosado-Chaparro, Wilfredo; Stotts, Krystal; Trotter, Jennifer; Weekley, Erin; Whisnant, Amber; Atencio, Kathie; Bockstahler, Breann; Broussard, Rebecca; Chavez, Luke; Cobb, David; Meyer, Jeff; Ramirez, Steven A; Reed, Lori; Robinson, Janis; Weiner, Marc; Bazley, Greg; Berg, Elizabeth; BERMAN, TESSA; Deyoe, Jeremy; Gallo, Madeline; Henry, Karen; Johnstone, Jeremy; Jones, Bill; Lawrence, Kathryn; Lucas, Robert; Moore, Letitia; Nixon, Donald; Proboszcz, Angie; Rongone, Marie; Steiner, Cynthia; Wirtschafter, Joshua; Averbach, Jonathan; Belke, Jim; Bosecker, Elizabeth; Brown, Stephanie; Burnett, Michael; Dixon, Chelsea; Franklin, Kathy; Garvey, Mark; Gerardin, Margaret; Gioffre, Patricia; Hunt, Stuart; Jacob, Sicy; Lischinsky, Robert; Mears, Gilbert; Miles, James; Presler, Amos; Saenz, Diana; Santacroce, Jeffrey; Seltzer, Mark; Skinner-Thompson, Jonathan; Sullivan, Greg; Swenson, Erik; Tekrony, Linda; Varco, Joseph; Yonce, Stacey; Ziegel, Dean

**Subject:** IMPORTANT follow-up to the EPCRA/CERCLA/112(r) enforcement call

How about:

Hi all- I am sure you are eager to get more information on how EPA is addressing the court's vacatur of the final rule that exempted farms from reporting air releases of hazardous substances from animal waste.

- ? On April 11, 2017, the DC Circuit Court vacated this final rule.
- ? In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.
- ? To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA Senior Leadership in OLEM, OGC, and OECA are working on guidance to assist farms in reporting their air releases under CERCLA and EPCRA. EPA is working to have this guidance available to farmers with enough time to review the guidance and comply with the reporting requirements.

I believe that Patty Gioffre and Sicy Jacob provided a brief update during the last EPCRA/CERCLA/112(r) enforcement call.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

Thanks and let me know if you have any questions.

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||

-----Original Appointment-----

**From:** Haas, Craig

**Sent:** Thursday, September 07, 2017 7:56 AM

**To:** Brown, Deborah; Chin, William; Gaffey, Jim; O'Donnell, Mary Jane; Peavey, Dwight; Rascher, Chris; Smith, Catherine; Wallace, Leonard; Gallagher, Shirin; Garcia, Terry; Hales, Bob; Hartman, Bob; Leefers, Kristin; LeGreid, Kathleen; Magdangal, David; Mairs, Stephanie; McFadden, Kelly; Meinhardt, Danielle; Morales, Javier; Phillips, Peter; Vergeront, Julie; Williams, Erin; Banner, Ellen; Dholakia, Umesh; Ghaffari, Mozafar; Harrington, Dwayne; Leung, Chao; Maimone, Francesco; Mosher, Eric; Ouedraogo, Idrissa; Petty, Joel; Regna, Jean; Rivera, Carlos; Rodriguez, Nancy; Armstrong, Joan; Baginski, Alfred; Beckley, Patrick; Daniel, Kevin; Dunn, Michael; Gallagher, Theresa; Garcia, Jefferie; Gardner, Allison; Gilley, Anne; Hunt, Mary; Nilsen, Ashley; pandya, perry; Parent, Suzanne; VanOrden, James; Weiss, Cynthia; Welsh, Mike; Ziegler, Lauren; Bookman, Robert; Caplan, Robert W.; Chow, Eddie; Cobb, Brandon; Crum, Lynda; Devkota, Om; Fite, Mark; Grant, Deanne; Groendyke, Todd; Juan, Rodolfo; Kono, Michiko; Noles, Jordan; Nowell, Valerie; Platt, Kerry; Poole, Vinson; Refuge, Danielle; Rouch, Ellen; Rubini, Suzanne; Russo, Todd; Spagg, Beverly; Toney, Anthony; Warrilow, Phyllis; Weeks, Victor; White, Erika; Bezerra, Joana; Chomycia, Greg; Chrzaszcz, Monika; Entzminger, James; Hans, Mick; Jager, Ginger; Kaiser, Steven; Mayhugh, Robert; McNamara, Ruth; Moore, Cecilia; Palomo, Silvia; Riley, Ellen; Smith, Robert H; Wagner, William; Barra, Michael; Clay, Jeffrey; Ford, Debbie; Foster, Althea; Hodges, Angela; Howard, AshleyA; Mason, Steve; Moore, Nathaniel; Murdock, James; Pearson, Evan; Phelps, Sherronda; Robledo, Tony; Rogers, Elizabeth; Smalley, Bryant; Smith, Monica; Stucky, Marie; Tate, Samuel; Thompson, Steve; Trawick, Matthew; Ward, Misty; Bieri, Britt; Blunk, Terri; Bosch, Raymond; Brewer, Laura; Bunch, Howard; Harper, Jodi; Hayes, Scott; Hensley, Dave; Hoard, Christine; LaBoda, Sarah; Mills, Clarissa; Ndiaye, Fatimatou; Pessetto, Jared; Reitz, Katherine; Reitz, Patricia; Rosado-Chaparro, Wilfredo; Stotts, Krystal; Trotter, Jennifer; Weekley, Erin; Whisnant, Amber; Atencio, Kathie; Bockstahler, Breann; Broussard, Rebecca; Chavez, Luke; Cobb, David; Meyer, Jeff; Ramirez, Steven A; Reed, Lori; Robinson, Janis; Weiner, Marc; Bazley, Greg; Berg, Elizabeth; BERMAN, TESSA; Deyoe, Jeremy; Gallo, Madeline; Henry, Karen; Johnstone, Jeremy; Jones, Bill; Lawrence, Kathryn; Lucas, Robert; Moore, Letitia; Nixon, Donald; Proboszcz, Angie; Rongone, Marie; Steiner, Cynthia; Wirtschafter, Joshua; Averbach, Jonathan; Belke, Jim; Bosecker, Elizabeth; Brown, Stephanie; Burnett, Michael; Dixon, Chelsea; Franklin, Kathy; Garvey, Mark; Gerardin, Margaret; Gioffre, Patricia; Hunt, Stuart; Jacob, Sicy; Jennings, Kim; Lischinsky, Robert; Mears, Gilbert; Miles, James; Presler, Amos; Saenz, Diana; Santacroce, Jeffrey; Seltzer, Mark; Skinner-Thompson, Jonathan; Sullivan, Greg; Swenson, Erik; Tekrony, Linda; Varco, Joseph; Yonce, Stacey; Ziegel, Dean

**Subject:** EPCRA/CERCLA/112(r) enforcement call

**When:** Thursday, September 07, 2017 2:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** **Conference Number / Ex. 6**

Agenda (pretty short this month unless there are last-minute additions):

- Any cases against wastewater treatment plants or water treatment plants regarding: types of 112r/CERCLA violations, penalty sizes, any SEPS, IR examples, and size of violator term? – Don Nixon, R9
- Failure to notify – company argues that the penalty policy uses the language “after the person in charge” had knowledge that an RQ was released – they are trying to use the time that the staff told the plant manager, after calculations, etc. as the trigger for notification, when it appears from information they submitted to us that that it was known hours earlier that they had a release that was over the 10 pound RQ. – Jean Regna, R2
- Region 5 sends the attached letter to farmers after we gather information that the farmer had a release greater than the RQ and should have made the notifications under CERCLA and EPCRA. Region 5 would like to know if other regions use a similar letter to farmers as compliance assistance.
- Other



Message

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**From:** Subramanian, Hema [Subramanian.Hema@epa.gov]  
**Sent:** 11/15/2017 4:24:00 PM  
**To:** Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]; Meer, Daniel [Meer.Daniel@epa.gov]  
**CC:** Miller, Amy [Miller.Amy@epa.gov]; Gill, Sonam [Gill.Sonam@epa.gov]; Gillen, Cara [Gillen.Cara@epa.gov]; Yin, Christina [Yin.Christina@epa.gov]; LEVIN, NANCY [Levin.Nancy@epa.gov]; Mitschele, Becky [Mitschele.Becky@epa.gov]; Drake, Kerry [Drake.Kerry@epa.gov]; Ziegler, Sam [Ziegler.Sam@epa.gov]; Taylor, Katherine [Taylor.Katherine@epa.gov]  
**Subject:** RE: CERCLA/EPCRA Reporting

Great, thank you.

-----  
Hema Subramanian  
Special Assistant to the Agriculture Advisor (detail)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Phone (202) 564-5041  
subramanian.hema@epa.gov

-----Original Message-----

From: Lawrence, Kathryn  
Sent: Wednesday, November 15, 2017 11:23 AM  
To: Subramanian, Hema <Subramanian.Hema@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>  
Cc: Miller, Amy <Miller.Amy@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Gillen, Cara <Gillen.Cara@epa.gov>; Yin, Christina <Yin.Christina@epa.gov>; LEVIN, NANCY <Levin.Nancy@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Drake, Kerry <Drake.Kerry@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>; Taylor, Katherine <Taylor.Katherine@epa.gov>  
Subject: Re: CERCLA/EPCRA Reporting

Hi Hema

I will need to call in as I am at a workshop in Sacramento

Sent from my iPhone

> On Nov 15, 2017, at 7:36 AM, Subramanian, Hema <Subramanian.Hema@epa.gov> wrote:  
>  
> Hi all,  
>  
> Already scheduled, so won't be able to make this one. If possible, please try to attend.  
>  
> Kay: hoping you can make it, as well.  
>  
> Becky: if you can make it, can you type up a few bullets afterwards summarizing the discussion and post to the Ag SP Portal? If not...Sonam--can you provide back-up?  
>

> Thanks!

>  
> -----Original Appointment-----

> From: Subramanian, Hema  
> Sent: Tuesday, November 14, 2017 2:40 PM  
> To: Subramanian, Hema; Mortensen, Gina; Koethe, Robert; Heinemann, Kristina; Shenk, Kelly; Peak, Nicholas; Galloway, Carol; Woodward, Cheryl; Dunkins, Robin; Figueroa, Zaida; Sarokin, David; Pierce, Troy; Boos, Gerard; Winn, G. Dean; Melanson, Kate; Murphy, Jim; Carbone, Chad; Edmondson, Lucy; Perkins, Stephen; Perrin, Rebecca; Segall, Martha; Greenwald, Kathryn; Ziobro, Joseph; Rea, Anne; Ferris, Lena; Roberts, Connie; Larsen, Erika; Rush, Randall; Swackhammer, J-Troy; OBrien, Wendy; Flahive, Katie; Winnett, Steven; Flourney, Karen; Robertson, Duane; Culver, Edison; Horak, David; Nitsch, Chad; Ziegler, Sam; Gill, Sonam; LUEHE, DOUGLAS; Brennan, Ross; Magnan, Eric; Louis, Gail  
> Cc: Williams, Erin; McFadden, Kelly; Janifer, Pamela; Howard, MarkW  
> Subject: CERCLA/EPCRA Reporting  
> When: Wednesday, November 15, 2017 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).  
> Where: Call in Conference Number / Ex. 6  
> Importance: High

> **Conference Number / Ex. 6**  
>

> Apologies for the last minute invite, but we realize many of you have been fielding questions about CERCLA/EPCRA reporting requirements for animal waste air releases, which are expected to go into effect

tomorrow (11/15), and wanted to convene an opportunity for Ag Advisors to hear from OEM about the latest updates (which include the recent addition of an email option for reporting).

>  
> If you can't make it onto the call tomorrow, please see the email below for additional information and the internal contacts to whom you can reach out with any questions. Updated info is also available publicly at:

> <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

>  
>  
> EPA Colleagues,

>  
> Several issues have arisen related to farmer owners/operators making their initial continuous release notification of emissions from animal waste to the National Response Center (NRC). First, the NRC is experiencing a large volume of calls, which have the potential to overwhelm their capacity. Second, the automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, EPA has been working with NRC program officials and made the following changes:

>  
> \* The NRC has established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: NRC-CERCLA-EPCRA-REPORT@uscg.mil<mailto:NRC-CERCLA-EPCRA-REPORT@uscg.mil>. Alternatively, the NRC phone number for these notifications is: 1-800-424-8802.

> \* Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days. Therefore, on or around December 15, 2017, all EPA Regional offices will be receiving a large number of written continuous release reports from farm owners/operators.

>  
> Regarding the factsheet or "cheat sheet" that was developed to provide compliance assistance to farmers who may soon need to report air release from animal waste under the CERCLA section 103, EPA is working on revising that document to include the above information and will get that out to you as soon as possible.

>  
> If you need assistance in addressing questions from farmers or trade associations that are beyond the scope of EPA's online guidance<<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>>, here is the contact information for three subject matter experts in EPA's Office of Emergency Management:

>  
> Patty Gioffre, Tel. 202-564-1972  
> Kim Jennings, Tel. 202-564-7998  
> Sicy Jacob, Tel. 202-564-8019

>  
> <meeting.ics>

Message

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**From:** Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]  
**Sent:** 1/29/2018 7:26:39 PM  
**To:** Miller, Amy [Miller.Amy@epa.gov]; Meer, Daniel [Meer.Daniel@epa.gov]  
**Subject:** Fwd: CORRECTION- CERCLA EPCRA Update-Website Revisions

Sent from my iPhone

Begin forwarded message:

**From:** "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>  
**Date:** January 29, 2018 at 11:15:20 AM PST  
**To:** "Haas, Craig" <Haas.Craig@epa.gov>, "Brown, Deborah" <Brown.Deborah@epa.gov>, "Chin, William" <chin.bill@epa.gov>, "Gaffey, Jim" <Gaffey.Jim@epa.gov>, "O'Donnell, Mary Jane" <Odonnell.Maryjane@epa.gov>, "Peavey, Dwight" <Peavey.Dwight@epa.gov>, "Rascher, Chris" <rascher.chris@epa.gov>, "Smith, Catherine" <smith.catherine@epa.gov>, "Wallace, Leonard" <Wallace.Len@epa.gov>, "Gallagher, Shirin" <Gallagher.Shirin@epa.gov>, "Garcia, Terry" <Garcia.Terry@epa.gov>, "Hales, Bob" <Hales.Bob@epa.gov>, "Hartman, Bob" <Hartman.Bob@epa.gov>, "Leefers, Kristin" <Leefers.Kristin@epa.gov>, "LeGreid, Kathleen" <LeGreid.Kathleen@epa.gov>, "Magdangal, David" <magdangal.david@epa.gov>, "Mairs, Stephanie" <Mairs.Stephanie@epa.gov>, "McFadden, Kelly" <McFadden.Kelly@epa.gov>, "Meinhardt, Danielle" <meinhardt.danielle@epa.gov>, "Morales, Javier" <Morales.Javier@epa.gov>, "Phillips, Peter" <Phillips.Peter@epa.gov>, "Schulze, Chad" <Schulze.Chad@epa.gov>, "Vergeront, Julie" <Vergeront.Julie@epa.gov>, "Williams, Erin" <Williams.Erin@epa.gov>, "Banner, Ellen" <Banner.Ellen@epa.gov>, "Dholakia, Umesh" <Dholakia.Umesh@epa.gov>, "Ghaffari, Mozafar" <Ghaffari.Mozafar@epa.gov>, "Harrington, Dwayne" <Harrington.Dwayne@epa.gov>, "Leung, Chao" <Leung.Chao@epa.gov>, "Maimone, Francesco" <Maimone.Francesco@epa.gov>, "Mosher, Eric" <Mosher.Eric@epa.gov>, "Ouedraogo, Idrissa" <ouedraogo.idrissa@epa.gov>, "Petty, Joel" <petty.joel@epa.gov>, "Regna, Jean" <Regna.Jean@epa.gov>, "Rivera, Carlos" <Rivera.Carlos@epa.gov>, "Rodriguez, Nancy" <Rodriguez.Nancy@epa.gov>, "Armstrong, Joan" <Armstrong.Joan@epa.gov>, "Baginski, Alfred" <Baginski.Alfred@epa.gov>, "Beckley, Patrick" <Beckley.Patrick@epa.gov>, "Daniel, Kevin" <Daniel.Kevin@epa.gov>, "Dunn, Michael" <dunn.michael@epa.gov>, "Gallagher, Theresa" <gallagher.theresa@epa.gov>, "Garcia, Jefferie" <Garcia.Jefferie@epa.gov>, "Gardner, Allison" <Gardner.Allison@epa.gov>, "Gilley, Anne" <Gilley.anne@epa.gov>, "Hunt, Mary" <Hunt.Mary@epa.gov>, "Nilsen, Ashley" <Nilsen.Ashley@epa.gov>, "pandya, perry" <pandya.perry@epa.gov>, "Parent, Suzanne" <Parent.Suzanne@epa.gov>, "VanOrden, James" <VanOrden.James@epa.gov>, "Weiss, Cynthia" <Weiss.Cynthia@epa.gov>, "Welsh, Mike" <Welsh.Mike@epa.gov>, "Ziegler, Lauren" <Ziegler.Lauren@epa.gov>, "Bookman, Robert" <Bookman.Robert@epa.gov>, "Caplan, Robert W." <Caplan.Robert@epa.gov>, "Chow, Eddie" <Chow.Eddie@epa.gov>, "Cobb, Brandon" <cobb.brandon@epa.gov>, "Crum, Lynda" <Crum.Lynda@epa.gov>, "Devkota, Om" <devkota.om@epa.gov>, "Fite, Mark" <Fite.Mark@epa.gov>, "Grant, Deanne" <Grant.Deanne@epa.gov>, "Groendyke, Todd" <Groendyke.Todd@epa.gov>, "Juan, Rodolfo" <Juan.Rodolfo@epa.gov>, "Kono, Michiko" <Kono.Michiko@epa.gov>, "Noles, Jordan" <Noles.Jordan@epa.gov>, "Nowell, Valerie" <Nowell.Valerie@epa.gov>, "Poole, Vinson" <Poole.Vinson@epa.gov>, "Rouch, Ellen" <Rouch.Ellen@epa.gov>, "Russo, Todd" <Russo.Todd@epa.gov>, "Spagg, Beverly" <Spagg.Beverly@epa.gov>, "Toney, Anthony" <Toney.Anthony@epa.gov>, "Warrilow, Phyllis" <Warrilow.Phyllis@epa.gov>, "Weeks, Victor" <weeks.victor@epa.gov>, "White, Erika" <White.Erika@epa.gov>, "Bezerra, Joana" <bezerra.joana@epa.gov>, "Chomycia, Greg" <chomycia.greg@epa.gov>, "Chrzaszcz, Monika"

<chrzaszcz.monika@epa.gov>, "Entzminger, James" <entzminger.james@epa.gov>, "Hans, Mick" <hans.mick@epa.gov>, "Jager, Ginger" <jager.ginger@epa.gov>, "Kaiser, Steven" <kaiser.steven@epa.gov>, "Mayhugh, Robert" <mayhugh.robert@epa.gov>, "Moore, Cecilia" <moore.cecilia@epa.gov>, "Palomo, Silvia" <palomo.silvia@epa.gov>, "Riley, Ellen" <riley.ellen@epa.gov>, "Smith, Robert H" <smith.roberth@epa.gov>, "Stillman, Sarah" <Stillman.Sarah@epa.gov>, "Wagner, William" <wagner.william@epa.gov>, "Barra, Michael" <barra.michael@epa.gov>, "Clay, Jeffrey" <clay.jeffrey@epa.gov>, "Ford, Debbie" <Ford.Debbie@epa.gov>, "Foster, Althea" <Foster.Althea@epa.gov>, "Hodges, Angela" <Hodges.Angela@epa.gov>, "Howard, AshleyA" <Howard.AshleyA@epa.gov>, "Mason, Steve" <mason.steve@epa.gov>, "Moore, Nathaniel" <Moore.Nathaniel@epa.gov>, "Murdock, James" <Murdock.James@epa.gov>, "Pearson, Evan" <Pearson.Evan@epa.gov>, "Phelps, Sherronda" <Phelps.Sherronda@epa.gov>, "Robledo, Tony" <Robledo.Tony@epa.gov>, "Rogers, Elizabeth" <rogers.elizabeth@epa.gov>, "Smalley, Bryant" <smalley.bryant@epa.gov>, "Smith, Monica" <smith.monica@epa.gov>, "Stucky, Marie" <Stucky.Marie@epa.gov>, "Tates, Samuel" <Tates.Samuel@epa.gov>, "Thompson, Steve" <thompson.steve@epa.gov>, "Trawick, Matthew" <Trawick.Matthew@epa.gov>, "Ward, Misty" <ward.misty@epa.gov>, "Bieri, Britt" <bieri.britt@epa.gov>, "Blunk, Terri" <Blunk.Terri@epa.gov>, "Bosch, Raymond" <Bosch.Raymond@epa.gov>, "Brewer, Laura" <brewer.laura@epa.gov>, "Bunch, Howard" <Bunch.Howard@epa.gov>, "Harper, Jodi" <Harper.Jodi@epa.gov>, "Hayes, Scott" <Hayes.Scott@epa.gov>, "Hensley, Dave" <Hensley.Dave@epa.gov>, "Hoard, Christine" <Hoard.Christine@epa.gov>, "LaBoda, Sarah" <LaBoda.Sarah@epa.gov>, "Mills, Clarissa" <mills.clarissa@epa.gov>, "Ndiaye, Fatimatou" <Ndiaye.Fatimatou@epa.gov>, "Pessetto, Jared" <Pessetto.Jared@epa.gov>, "Reitz, Katherine" <reitz.katherine@epa.gov>, "Rosado-Chaparro, Wilfredo" <Rosado-Chaparro.Wilfredo@epa.gov>, "Stotts, Krystal" <Stotts.Krystal@epa.gov>, "Trotter, Jennifer" <Trotter.Jennifer@epa.gov>, "Weekley, Erin" <weekley.erin@epa.gov>, "Whisnant, Amber" <Whisnant.Amber@epa.gov>, "Atencio, Kathie" <Atencio.Kathie@epa.gov>, "Bockstahler, Breann" <Bockstahler.breann@epa.gov>, "Broussard, Rebecca" <Broussard.Rebecca@epa.gov>, "Chavez, Luke" <Chavez.Luke@epa.gov>, "Cobb, David" <cobb.david@epa.gov>, "Meyer, Jeff" <Meyer.Jeff@epa.gov>, "Ramirez, Steven A" <ramirez.stevena@epa.gov>, "Reed, Lori" <Reed.Lori@epa.gov>, "Robinson, Janis" <Robinson.Janis@epa.gov>, "Weiner, Marc" <Weiner.Marc@epa.gov>, "Bazley, Greg" <Bazley.Greg@epa.gov>, "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "BERMAN, TESSA" <Berman.Tessa@epa.gov>, "Deyoe, Jeremy" <deyoe.jeremy@epa.gov>, "Gallo, Madeline" <Gallo.Madeline@epa.gov>, "Henry, Karen" <Henry.Karen@EPA.GOV>, "Johnstone, Jeremy" <Johnstone.Jeremy@epa.gov>, "Jones, bill" <jones.bill@epa.gov>, "Lawrence, Kathryn" <Lawrence.Kathryn@epa.gov>, "Lucas, Robert" <Lucas.Robert@epa.gov>, "Moore, Letitia" <Moore.Letitia@epa.gov>, "Nixon, Donald" <Nixon.Donald@epa.gov>, "Proboszcz, Angie" <Proboszcz.Angie@EPA.GOV>, "Rongone, Marie" <Rongone.Marie@epa.gov>, "Steiner, Cyntia" <Steiner.Cyntia@epa.gov>, "Wirtschafter, Joshua" <Wirtschafter.Joshua@epa.gov>, "Averback, Jonathan" <Averback.Jonathan@epa.gov>, "Belke, Jim" <Belke.Jim@epa.gov>, "Bosecker, Elizabeth" <Bosecker.Elizabeth@epa.gov>, "Brown, Stephanie" <Brown.Stephanie@epa.gov>, "Burnett, Michael" <Burnett.Michael@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Garvey, Mark" <Garvey.Mark@epa.gov>, "Gerardin, Margaret" <Gerardin.Margaret@epa.gov>, "Hunt, Stuart" <Hunt.Stuart@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Lischinsky, Robert" <Lischinsky.Robert@epa.gov>, "Mears, Gilbert" <Mears.Gilbert@epa.gov>, "Miles, James" <miles.james@epa.gov>, "Presler, Amos" <presler.amos@epa.gov>, "Saenz, Diana" <Saenz.Diana@epa.gov>, "Santacroce, Jeffrey" <Santacroce.Jeffrey@epa.gov>, "Seltzer, Mark" <Seltzer.Mark@epa.gov>, "Skinner-Thompson, Jonathan" <Skinner-Thompson.Jonathan@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Tekrony, Linda" <Tekrony.Linda@epa.gov>, "Varco, Joseph" <varco.joseph@epa.gov>, "Yonce, Stacey" <yonce.stacey@epa.gov>, "Ziegel, Dean" <Ziegel.Dean@epa.gov>, "Mendez, Lucia" <Mendez.Lucia@epa.gov>  
 Cc: "Perrin, Karla" <perrin.karla@epa.gov>, "Przyborski, Jay" <Przyborski.Jay@epa.gov>, "Rountree,

Jillian" <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>, "Subramanian, Hema" <[Subramanian.Hema@epa.gov](mailto:Subramanian.Hema@epa.gov)>, "Mortensen, Ginah" <[mortensen.ginah@epa.gov](mailto:mortensen.ginah@epa.gov)>, "Galloway, Carol" <[Galloway.Carol@epa.gov](mailto:Galloway.Carol@epa.gov)>, "Thomas, Latosha" <[Thomas.Latosha@epa.gov](mailto:Thomas.Latosha@epa.gov)>, "Dunkins, Robin" <[Dunkins.Robin@epa.gov](mailto:Dunkins.Robin@epa.gov)>, "Costa, Allison" <[Costa.Allison@epa.gov](mailto:Costa.Allison@epa.gov)>, "Schrock, Bill" <[Schrock.Bill@epa.gov](mailto:Schrock.Bill@epa.gov)>, "Molloy, Jennifer" <[molloy.jennifer@epa.gov](mailto:molloy.jennifer@epa.gov)>, "Indermark, Michele" <[Indermark.Michele@epa.gov](mailto:Indermark.Michele@epa.gov)>, OLEM OEM RID <[OLEM\\_OEM\\_RID@epa.gov](mailto:OLEM_OEM_RID@epa.gov)>, "Cheatham, Reggie" <[cheatham.reggie@epa.gov](mailto:cheatham.reggie@epa.gov)>, "Clark, Becki" <[Clark.Beki@epa.gov](mailto:Clark.Beki@epa.gov)>, "Sands, Jeffrey" <[sands.jeffrey@epa.gov](mailto:sands.jeffrey@epa.gov)>, "Cogliano, Gerain" <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>, "Lewis, Jen" <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>, "Swenson, Erik" <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>, "Salo, Earl" <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>

**Subject: CORRECTION- CERCLA EPCRA Update-Website Revisions**

Correction- Website is:

[www.epa.gov/animalwaste](http://www.epa.gov/animalwaste)

My apologies for the broken link in the earlier email!

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

Follow OLEM on Twitter @EPALand

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**From:** Gioffre, Patricia

**Sent:** Monday, January 29, 2018 1:53 PM

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**Subject:** CERCLA EPCRA Update-Website Revisions

All-Providing an update on CERCLA/EPCRA outreach activities. Please feel free to share this information.

#### Website revisions

Today EPA updated the CERCLA/EPCRA website [www.epa.gov/animlwaste](http://www.epa.gov/animlwaste) to include new Q&As and to reorganize the information to make it easier to follow.

New questions:

- <!--[if !supportLists]--><!--[endif]-->Why do I need to report?
- <!--[if !supportLists]--><!--[endif]-->Why can't EPA tell me how many animals require reporting?
- <!--[if !supportLists]--><!--[endif]-->How will EPA protect my personal information?

We will continue to update the website with additional questions as responses are developed.

We have also reorganized the site to group FAQ's into categories.

- <!--[if !supportLists]--><!--[endif]-->Updates
- <!--[if !supportLists]--><!--[endif]-->Overview
- <!--[if !supportLists]--><!--[endif]-->Reporting Exemption and Resulting Litigation
- <!--[if !supportLists]--><!--[endif]-->Purpose
- <!--[if !supportLists]--><!--[endif]-->Frequent Questions
  - <!--[if !supportLists]--><!--[endif]-->Reporting Requirements
    - <!--[if !supportLists]--><!--[endif]-->EPCRA Reporting Requirements
    - <!--[if !supportLists]--><!--[endif]-->General CERCLA Requirements
    - <!--[if !supportLists]--><!--[endif]-->Previous Reporting
    - <!--[if !supportLists]--><!--[endif]-->Other Circumstances
  - <!--[if !supportLists]--><!--[endif]-->How to Report
  - <!--[if !supportLists]--><!--[endif]-->Emissions
- <!--[if !supportLists]--><!--[endif]-->Resources

#### Court Mandate

As of this time, the DC Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms. The court has not yet responded to the EPA's request to further delay the mandate. Once the court makes a

decisions, we will send out an update. Once the court issues the mandate the statutory reporting requirements will go back into effect.

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Message

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**From:** Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]  
**Sent:** 1/29/2018 6:56:48 PM  
**To:** Miller, Amy [Miller.Amy@epa.gov]; Meer, Daniel [Meer.Daniel@epa.gov]  
**Subject:** Fwd: CERCLA EPCRA Update-Website Revisions

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>  
**Date:** January 29, 2018 at 10:53:19 AM PST  
**To:** "Haas, Craig" <Haas.Craig@epa.gov>, "Brown, Deborah" <Brown.Deborah@epa.gov>, "Chin, William" <chin.bill@epa.gov>, "Gaffey, Jim" <Gaffey.Jim@epa.gov>, "O'Donnell, Mary Jane" <Odonnell.Maryjane@epa.gov>, "Peavey, Dwight" <Peavey.Dwight@epa.gov>, "Rascher, Chris" <rascher.chris@epa.gov>, "Smith, Catherine" <smith.catherine@epa.gov>, "Wallace, Leonard" <Wallace.Len@epa.gov>, "Gallagher, Shirin" <Gallagher.Shirin@epa.gov>, "Garcia, Terry" <Garcia.Terry@epa.gov>, "Hales, Bob" <Hales.Bob@epa.gov>, "Hartman, Bob" <Hartman.Bob@epa.gov>, "Leefers, Kristin" <Leefers.Kristin@epa.gov>, "LeGreid, Kathleen" <LeGreid.Kathleen@epa.gov>, "Magdangal, David" <magdangal.david@epa.gov>, "Mairs, Stephanie" <Mairs.Stephanie@epa.gov>, "McFadden, Kelly" <McFadden.Kelly@epa.gov>, "Meinhardt, Danielle" <meinhardt.danielle@epa.gov>, "Morales, Javier" <Morales.Javier@epa.gov>, "Phillips, Peter" <Phillips.Peter@epa.gov>, "Schulze, Chad" <Schulze.Chad@epa.gov>, "Vergeront, Julie" <Vergeront.Julie@epa.gov>, "Williams, Erin" <Williams.Erin@epa.gov>, "Banner, Ellen" <Banner.Ellen@epa.gov>, "Dholakia, Umesh" <Dholakia.Umesh@epa.gov>, "Ghaffari, Mozafar" <Ghaffari.Mozafar@epa.gov>, "Harrington, Dwayne" <Harrington.Dwayne@epa.gov>, "Leung, Chao" <Leung.Chao@epa.gov>, "Maimone, Francesco" <Maimone.Francesco@epa.gov>, "Mosher, Eric" <Mosher.Eric@epa.gov>, "Ouedraogo, Idrissa" <ouedraogo.idrissa@epa.gov>, "Petty, Joel" <petty.joel@epa.gov>, "Regna, Jean" <Regna.Jean@epa.gov>, "Rivera, Carlos" <Rivera.Carlos@epa.gov>, "Rodriguez, Nancy" <Rodriguez.Nancy@epa.gov>, "Armstrong, Joan" <Armstrong.Joan@epa.gov>, "Baginski, Alfred" <Baginski.Alfred@epa.gov>, "Beckley, Patrick" <Beckley.Patrick@epa.gov>, "Daniel, Kevin" <Daniel.Kevin@epa.gov>, "Dunn, Michael" <dunn.michael@epa.gov>, "Gallagher, Theresa" <gallagher.theresa@epa.gov>, "Garcia, Jefferie" <Garcia.Jefferie@epa.gov>, "Gardner, Allison" <Gardner.Allison@epa.gov>, "Gilley, Anne" <Gilley.anne@epa.gov>, "Hunt, Mary" <Hunt.Mary@epa.gov>, "Nilsen, Ashley" <Nilsen.Ashley@epa.gov>, "pandya, perry" <pandya.perry@epa.gov>, "Parent, Suzanne" <Parent.Suzanne@epa.gov>, "VanOrden, James" <VanOrden.James@epa.gov>, "Weiss, Cynthia" <Weiss.Cynthia@epa.gov>, "Welsh, Mike" <Welsh.Mike@epa.gov>, "Ziegler, Lauren" <Ziegler.Lauren@epa.gov>, "Bookman, Robert" <Bookman.Robert@epa.gov>, "Caplan, Robert W." <Caplan.Robert@epa.gov>, "Chow, Eddie" <Chow.Eddie@epa.gov>, "Cobb, Brandon" <cobb.brandon@epa.gov>, "Crum, Lynda" <Crum.Lynda@epa.gov>, "Devkota, Om" <devkota.om@epa.gov>, "Fite, Mark" <Fite.Mark@epa.gov>, "Grant, Deanne" <Grant.Deanne@epa.gov>, "Groendyke, Todd" <Groendyke.Todd@epa.gov>, "Juan, Rodolfo" <Juan.Rodolfo@epa.gov>, "Kono, Michiko" <Kono.Michiko@epa.gov>, "Noles, Jordan" <Noles.Jordan@epa.gov>, "Nowell, Valerie" <Nowell.Valerie@epa.gov>, "Poole, Vinson" <Poole.Vinson@epa.gov>, "Rouch, Ellen" <Rouch.Ellen@epa.gov>, "Russo, Todd" <Russo.Todd@epa.gov>, "Spagg, Beverly" <Spagg.Beverly@epa.gov>, "Toney, Anthony" <Toney.Anthony@epa.gov>, "Warrilow, Phyllis" <Warrilow.Phyllis@epa.gov>, "Weeks, Victor" <weeks.victor@epa.gov>, "White, Erika" <White.Erika@epa.gov>, "Bezerra, Joana" <bezerra.joana@epa.gov>, "Chomycia, Greg" <chomycia.greg@epa.gov>, "Chrzaszcz, Monika"

<chrzaszcz.monika@epa.gov>, "Entzminger, James" <entzminger.james@epa.gov>, "Hans, Mick" <hans.mick@epa.gov>, "Jager, Ginger" <jager.ginger@epa.gov>, "Kaiser, Steven" <kaiser.steven@epa.gov>, "Mayhugh, Robert" <mayhugh.robert@epa.gov>, "Moore, Cecilia" <moore.cecilia@epa.gov>, "Palomo, Silvia" <palomo.silvia@epa.gov>, "Riley, Ellen" <riley.ellen@epa.gov>, "Smith, Robert H" <smith.roberth@epa.gov>, "Stillman, Sarah" <Stillman.Sarah@epa.gov>, "Wagner, William" <wagner.william@epa.gov>, "Barra, Michael" <barra.michael@epa.gov>, "Clay, Jeffrey" <clay.jeffrey@epa.gov>, "Ford, Debbie" <Ford.Debbie@epa.gov>, "Foster, Althea" <Foster.Althea@epa.gov>, "Hodges, Angela" <Hodges.Angela@epa.gov>, "Howard, AshleyA" <Howard.AshleyA@epa.gov>, "Mason, Steve" <mason.steve@epa.gov>, "Moore, Nathaniel" <Moore.Nathaniel@epa.gov>, "Murdock, James" <Murdock.James@epa.gov>, "Pearson, Evan" <Pearson.Evan@epa.gov>, "Phelps, Sherronda" <Phelps.Sherronda@epa.gov>, "Robledo, Tony" <Robledo.Tony@epa.gov>, "Rogers, Elizabeth" <rogers.elizabeth@epa.gov>, "Smalley, Bryant" <smalley.bryant@epa.gov>, "Smith, Monica" <smith.monica@epa.gov>, "Stucky, Marie" <Stucky.Marie@epa.gov>, "Tates, Samuel" <Tates.Samuel@epa.gov>, "Thompson, Steve" <thompson.steve@epa.gov>, "Trawick, Matthew" <Trawick.Matthew@epa.gov>, "Ward, Misty" <ward.misty@epa.gov>, "Bieri, Britt" <bieri.britt@epa.gov>, "Blunk, Terri" <Blunk.Terri@epa.gov>, "Bosch, Raymond" <Bosch.Raymond@epa.gov>, "Brewer, Laura" <brewer.laura@epa.gov>, "Bunch, Howard" <Bunch.Howard@epa.gov>, "Harper, Jodi" <Harper.Jodi@epa.gov>, "Hayes, Scott" <Hayes.Scott@epa.gov>, "Hensley, Dave" <Hensley.Dave@epa.gov>, "Hoard, Christine" <Hoard.Christine@epa.gov>, "LaBoda, Sarah" <LaBoda.Sarah@epa.gov>, "Mills, Clarissa" <mills.clarissa@epa.gov>, "Ndiaye, Fatimatou" <Ndiaye.Fatimatou@epa.gov>, "Pessetto, Jared" <Pessetto.Jared@epa.gov>, "Reitz, Katherine" <reitz.katherine@epa.gov>, "Rosado-Chaparro, Wilfredo" <Rosado-Chaparro.Wilfredo@epa.gov>, "Stotts, Krystal" <Stotts.Krystal@epa.gov>, "Trotter, Jennifer" <Trotter.Jennifer@epa.gov>, "Weekley, Erin" <weekley.erin@epa.gov>, "Whisnant, Amber" <Whisnant.Amber@epa.gov>, "Atencio, Kathie" <Atencio.Kathie@epa.gov>, "Bockstahler, Breann" <Bockstahler.breann@epa.gov>, "Broussard, Rebecca" <Broussard.Rebecca@epa.gov>, "Chavez, Luke" <Chavez.Luke@epa.gov>, "Cobb, David" <cobb.david@epa.gov>, "Meyer, Jeff" <Meyer.Jeff@epa.gov>, "Ramirez, Steven A" <ramirez.stevena@epa.gov>, "Reed, Lori" <Reed.Lori@epa.gov>, "Robinson, Janis" <Robinson.Janis@epa.gov>, "Weiner, Marc" <Weiner.Marc@epa.gov>, "Bazley, Greg" <Bazley.Greg@epa.gov>, "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "BERMAN, TESSA" <Berman.Tessa@epa.gov>, "Deyoe, Jeremy" <deyoe.jeremy@epa.gov>, "Gallo, Madeline" <Gallo.Madeline@epa.gov>, "Henry, Karen" <Henry.Karen@EPA.GOV>, "Johnstone, Jeremy" <Johnstone.Jeremy@epa.gov>, "Jones, Bill" <jones.bill@epa.gov>, "Lawrence, Kathryn" <Lawrence.Kathryn@epa.gov>, "Lucas, Robert" <Lucas.Robert@epa.gov>, "Moore, Letitia" <Moore.Letitia@epa.gov>, "Nixon, Donald" <Nixon.Donald@epa.gov>, "Proboszcz, Angie" <Proboszcz.Angie@EPA.GOV>, "Rongone, Marie" <Rongone.Marie@epa.gov>, "Steiner, Cynthia" <Steiner.Cynthia@epa.gov>, "Wirtschafter, Joshua" <Wirtschafter.Joshua@epa.gov>, "Averback, Jonathan" <Averback.Jonathan@epa.gov>, "Belke, Jim" <Belke.Jim@epa.gov>, "Bosecker, Elizabeth" <Bosecker.Elizabeth@epa.gov>, "Brown, Stephanie" <Brown.Stephanie@epa.gov>, "Burnett, Michael" <Burnett.Michael@epa.gov>, "Dixon, Chelsea" <Dixon.Chelsea@epa.gov>, "Franklin, Kathy" <Franklin.Kathy@epa.gov>, "Garvey, Mark" <Garvey.Mark@epa.gov>, "Gerardin, Margaret" <Gerardin.Margaret@epa.gov>, "Hunt, Stuart" <Hunt.Stuart@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Jennings, Kim" <Jennings.Kim@epa.gov>, "Lischinsky, Robert" <Lischinsky.Robert@epa.gov>, "Mears, Gilbert" <Mears.Gilbert@epa.gov>, "Miles, James" <miles.james@epa.gov>, "Presler, Amos" <presler.amos@epa.gov>, "Saenz, Diana" <Saenz.Diana@epa.gov>, "Santacroce, Jeffrey" <Santacroce.Jeffrey@epa.gov>, "Seltzer, Mark" <Seltzer.Mark@epa.gov>, "Skinner-Thompson, Jonathan" <Skinner-Thompson.Jonathan@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Tekrony, Linda" <Tekrony.Linda@epa.gov>, "Varco, Joseph" <varco.joseph@epa.gov>, "Yonce, Stacey" <yonce.stacey@epa.gov>, "Ziegel, Dean" <Ziegel.Dean@epa.gov>, "Mendez, Lucia" <Mendez.Lucia@epa.gov>  
 Cc: "Perrin, Karla" <perrin.karla@epa.gov>, "Przyborski, Jay" <Przyborski.Jay@epa.gov>, "Rountree,

Jillian" <Rountree.Jillian@epa.gov>, "Subramanian, Hema" <Subramanian.Hema@epa.gov>, "Mortensen, Ginah" <mortensen.ginah@epa.gov>, "Galloway, Carol" <Galloway.Carol@epa.gov>, "Thomas, Latosha" <Thomas.Latosha@epa.gov>, "Dunkins, Robin" <Dunkins.Robin@epa.gov>, "Costa, Allison" <Costa.Allison@epa.gov>, "Schrock, Bill" <Schrock.Bill@epa.gov>, "Molloy, Jennifer" <molloy.jennifer@epa.gov>, "Indermark, Michele" <Indermark.Michele@epa.gov>, OLEM OEM RID <OLEM\_OEM\_RID@epa.gov>, "Cheatham, Reggie" <cheatham.reggie@epa.gov>, "Clark, Becki" <Clark.Becki@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>

**Subject: CERCLA EPCRA Update-Website Revisions**

All-Providing an update on CERCLA/EPCRA outreach activities. Please feel free to share this information.

**Website revisions**

Today EPA updated the CERCLA/EPCRA website [www.epa.gov/animlwaste](http://www.epa.gov/animlwaste) to include new Q&As and to reorganize the information to make it easier to follow.

New questions:

- <!--[if !supportLists]--><!--[endif]-->Why do I need to report?
- <!--[if !supportLists]--><!--[endif]-->Why can't EPA tell me how many animals require reporting?
- <!--[if !supportLists]--><!--[endif]-->How will EPA protect my personal information?

We will continue to update the website with additional questions as responses are developed.

We have also reorganized the site to group FAQ's into categories.

- <!--[if !supportLists]--><!--[endif]-->Updates
- <!--[if !supportLists]--><!--[endif]-->Overview
- <!--[if !supportLists]--><!--[endif]-->Reporting Exemption and Resulting Litigation
- <!--[if !supportLists]--><!--[endif]-->Purpose
- <!--[if !supportLists]--><!--[endif]-->Frequent Questions
  - <!--[if !supportLists]--><!--[endif]-->Reporting Requirements
    - <!--[if !supportLists]--><!--[endif]-->EPCRA Reporting Requirements
    - <!--[if !supportLists]--><!--[endif]-->General CERCLA Requirements
    - <!--[if !supportLists]--><!--[endif]-->Previous Reporting
    - <!--[if !supportLists]--><!--[endif]-->Other Circumstances
  - <!--[if !supportLists]--><!--[endif]-->How to Report
  - <!--[if !supportLists]--><!--[endif]-->Emissions
- <!--[if !supportLists]--><!--[endif]-->Resources

**Court Mandate**

As of this time, the DC Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms. The court has not yet responded to the EPA's request to further delay the mandate. Once the court makes a decision, we will send out an update. Once the court issues the mandate the statutory reporting requirements will go back into effect.

-----  
Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972

202-748-7139 (cell)

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Follow OLEM on Twitter @EPALand

Message

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**From:** Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]  
**Sent:** 11/14/2017 7:22:59 PM  
**To:** Mitschele, Becky [Mitschele.Becky@epa.gov]; Yin, Christina [Yin.Christina@epa.gov]; Gillen, Cara [Gillen.Cara@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; Drake, Kerry [Drake.Kerry@epa.gov]; Ziegler, Sam [Ziegler.Sam@epa.gov]; LUEHE, DOUGLAS [luehe.douglas@epa.gov]; Gill, Sonam [Gill.Sonam@epa.gov]; LEVIN, NANCY [Levin.Nancy@epa.gov]  
**CC:** Meer, Daniel [Meer.Daniel@epa.gov]  
**Subject:** EPCRA/CERCLA AG rule

Hi all

Below is the an excerpt from the most recent email from Kim Jennings at OLEM /OEM on the EPCRA/CERCLA AG rule

On April 11, 2017, the Court struck down the EPCRA/CERCLA final rule, eliminating the reporting exemptions for farms. Unless the DC Circuit Court takes further action, the court's ruling takes effect on November 15, 2017. Several weeks ago, EPA provided guidance materials to help farmers understand their reporting obligations and, that guidance for farm owners/operators on our website at:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

Several issues have arisen related to farmer owners/operators making their initial continuous release notification to the National Response Center (NRC). First, the NRC is experiencing a large volume of calls, which have the potential to overwhelm their capacity. Second, the automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, EPA has been working with the NRC program officials and made the following changes:

- The NRC has established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: [NRC-CERCLA-EPCRA-REPORT@uscg.mil](mailto:NRC-CERCLA-EPCRA-REPORT@uscg.mil). Alternatively, the NRC phone number for these notifications is: [1-800-424-8802](tel:1-800-424-8802).
- 
- Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days. Therefore, on or around December 15, 2017, all EPA Regional offices will be receiving a large number of written continuous release reports from farm owners/operators.

Regarding the factsheet or “cheat sheet” that was developed to provide compliance assistance to farmers who may soon need to report air release from animal waste under the CERCLA section 103, EPA is working on revising that document to include the above information and will get that out to you as soon as we can.

Thanks,  
Kim

Kim Jennings  
**Division Director || Regulations Implementation Division**  
**U.S. Environmental Protection Agency || Office of Emergency Management**  
**E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||**

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Message

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**From:** Mortensen, Ginah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=37EEFA62D64F4934B1E1B8534297AAE9-MORTENSEN, GINAH]  
**Sent:** 1/16/2018 10:00:32 PM  
**To:** Subramanian, Hema [Subramanian.Hema@epa.gov]  
**CC:** Galloway, Carol [Galloway.Carol@epa.gov]  
**Subject:** RE: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hello Hema,

Did your message below include those on the email list for the weekly calls? If not, do you want me to send it to them?

Thanks!

Ginah Mortensen  
913-551-5028

Attorney Advisor  
Compliance Policy Staff  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance

Director, EPA National Agriculture Center  
1-888-663-2155  
<http://www.epa.gov/agriculture>

To receive notifications about updates to the EPA agriculture website and EPA news items of interest to the ag community, subscribe to the Ag Center's News Service by sending a blank email to this address:  
[join-agcenter@lists.epa.gov](mailto:join-agcenter@lists.epa.gov)

---

**From:** Subramanian, Hema  
**Sent:** Tuesday, January 16, 2018 3:26 PM  
**To:** Subramanian, Hema <Subramanian.Hema@epa.gov>  
**Subject:** FW: EPA factsheets on CERCLA-EPCRA reporting for animal waste

Dear Animal Ag Discussion Group participants:

FYI, please see the announcement below from EPA's Office of Emergency Management regarding a new factsheet for outreach on CERCLA-EPCRA reporting for animal waste.

Thank you,  
---Hema.

---

Hema Subramanian  
Special Assistant to the Senior Advisor for Agriculture (detail)  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste) for guidance and access to the continuous release reporting forms (including [new factsheet](#))
- Email comments or suggestions on guidance materials to: [CERCLA103.guidance@epa.gov](mailto:CERCLA103.guidance@epa.gov)
- Regional Contacts: [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)
- Call with questions: 1-800-424-9346



Message

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**From:** Sassman, Hannah [sassman.hannah@epa.gov]  
**Sent:** 4/18/2018 5:06:59 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**CC:** Foster, Stiven [Foster.Stiven@epa.gov]  
**Subject:** RE: PARMS weekly  
**Attachments:** Barrys Weekly 4-19-2018 PARMS sci.docx

Hi Bill,

Science team updates are attached  
-Hannah

**Personal Matters / Ex. 6**

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**From:** Noggle, William  
**Sent:** Wednesday, April 18, 2018 10:42 AM  
**To:** Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sassman, Hannah <sassman.hannah@epa.gov>; Yaquian-Luna, Jose <yaquian-luna.josea@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>  
**Subject:** PARMS weekly

PARMS –  
Please send me your updates to the PARMS weekly by 2pm today.

Thanks,  
Bill  
202-566-1306

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of April 23 – May 4, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

DSW Vacatur

The rule is ready for either Administrator signature or OMB review shortly. Significance briefing with OMB was held on March 28<sup>th</sup>. Waiting for OMB to determine if they will waive review. (*Bill Noggle*)

PNDD Guidance

The FR notice opening the comment period was signed by ORCR OD. Package will be sent to OP on April 19<sup>th</sup> for FR publication. (*Bill Noggle*)

**Informational/No Action Required**

Guidance on Reporting of Releases of Animal Wastes from Farms: Given the FARM Act, OLEM is revising a guidance interpreting EPCRA's reporting requirements of releases of animal wastes from farms. Striving to post on the web before May 1<sup>st</sup>. (*Gerain Cogliano, Barbara Hostage*)

RMP Reconsideration NPRM

Expecting to send responses to OMB/Interagency reviewers' comments by April 16<sup>th</sup>. An EO 12866 Listening Session is scheduled for April 12<sup>th</sup> with ACC. (*Gerain Cogliano, Bill Noggle*)

Hazardous Substances Spill Prevention NPRM

Package has been at OMB for interagency review since March 26<sup>th</sup>. OMB has not yet sent first round comments on the rule. (*Bill Noggle, Gerain Cogliano*)

Updates to SW-846 Methods 8260 and 8270

Package was submitted to OMB for interagency review on March 28<sup>th</sup>. First round comments are expected by April 27<sup>th</sup>. (*Bill Noggle, Gerain Cogliano*)

Toxicology and Risk Assessment Conference (TRAC)

On April 24-25<sup>th</sup>, Kathleen Raffaele will present a talk, "PFAS Human Health Risk Assessment: Current Trends and Challenges," at The Toxicology and Risk Assessment Conference in Cincinnati, OH. The talk is part of a full day session on issues regarding PFAS. (*Kathleen Raffaele*)

Lead Strategy

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The President's Task Force for Children's Environmental Health Risks is working to complete a draft Lead Strategy by April 30<sup>th</sup>. PARMS will be coordinating the development of content and review by OLEM. *(Stiven Foster)*

#### ECOS-EPA PFAS discussion

On April 30<sup>th</sup>, there will be a bi-monthly call with ECOS and EPA states to share information and updates about PFAS analytical methods, toxicity, and treatment. *(Kathleen Raffaele, Stiven Foster)*

#### Office of Water PFAS briefing

On May 2<sup>nd</sup>, Office of Water will be hosting a briefing for state and federal partners on toxicity values for GenX and PFBS. *(Kathleen Raffaele, Stiven Foster)*

#### OLEM/NIEHS Staff-level quarterly meeting

On May 3<sup>rd</sup>, there will be a Superfund Research Program staff level quarterly meeting. *(Kathleen Raffaele, Stiven Foster)*

#### PFOA and PFOS Contaminated Groundwater Memorandum

OLEM is working with OW and ORD to develop a memo that addresses PFOA and PFOS contaminated groundwater. PARMS is coordinating the effort within OLEM and with the other Program Offices. *(Stiven Foster, Kathleen Raffaele)*

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#### Action Items for ODs/OLEM Program Offices

#### Reports to Congress

#### Policy Issues and Initiatives

#### Public Announcements within 60 Days

#### White House Weekly Items

#### External Speaking Engagements

#### Cabinet Report: Good Government Efforts

#### Cabinet Report: Controversial Issues and Resolution

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of April 30 – May 11, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

DSW Vacatur

OMB waived review of the rule. The action memo is ready for Barry's signature. (*Bill Noggle*)

**Informational/No Action Required**

Hazardous Waste Pharmaceuticals Final Rulemaking--Workgroup Closure

The workgroup closure package was distributed on April 18<sup>th</sup> for a 3- week review. The workgroup closure rollcall meeting will occur on May 9<sup>th</sup> and a kick-off call on April 24<sup>th</sup>. (*Richard Mattick*)

Guidance on Reporting of Releases of Animal Wastes from Farms: Given the FARM Act, OLEM is revising a guidance interpreting EPCRA's reporting requirements of releases of animal wastes from farms. Striving to post on the web before May 1<sup>st</sup>. Currently OMB is determining whether or not they will review under EO 12866. If so, review is expected to be no longer than a couple of days. (*Gerain Cogliano, Barbara Hostage*)

RMP Reconsideration NPRM

On April 12<sup>th</sup> sent OMB responses to OMB/Interagency reviewers' comments; expecting input from OMB by April 23<sup>rd</sup>.. EO 12866 Listening Sessions are scheduled for April 19<sup>h</sup> with EarthJustice and on April 23<sup>rd</sup> with Chemical Safety Advocacy Group. (*Gerain Cogliano, Bill Noggle*)

Hazardous Substances Spill Prevention NPRM

Package has been at OMB for interagency review since March 26<sup>th</sup>. OMB sent some of the first-round comments on April 24<sup>th</sup>. (*Bill Noggle, Gerain Cogliano*)

Updates to SW-846 Methods 8260 and 8270

Package was submitted to OMB for interagency review on March 28<sup>th</sup>. First round comments are expected by April 27<sup>th</sup>. (*Bill Noggle, Gerain Cogliano*)

Lead Strategy

The President's Task Force for Children's Environmental Health Risks is working to complete a draft Lead Strategy by April 30<sup>th</sup>. PARMS will be coordinating the development of content and review by OLEM. (*Stiven Foster*)

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#### ECOS-EPA PFAS discussion

On April 30<sup>th</sup>, there will be a bi-monthly call with ECOS and EPA states to share information and updates about PFAS analytical methods, toxicity, and treatment. *(Kathleen Raffaele, Stiven Foster)*

#### Office of Water PFAS briefing

On May 2<sup>nd</sup>, Office of Water will be hosting a briefing for state and federal partners on toxicity values for GenX and PFBS. *(Kathleen Raffaele, Stiven Foster)*

#### OLEM/NIEHS Staff-level quarterly meeting

On May 3<sup>rd</sup>, there will be a Superfund Research Program staff level quarterly meeting. *(Kathleen Raffaele, Stiven Foster)*

#### PFOA and PFOS Contaminated Groundwater Memorandum

OLEM is working with OW and ORD to develop a memo that addresses PFOA and PFOS contaminated groundwater. PARMS is coordinating the effort within OLEM and with the other Program Offices. Review of the first draft will be 4/26 -5/8. *(Stiven Foster, Kathleen Raffaele)*

#### NCEE ANPRM on Standardizing Cost Considerations

OA's National Center for Environmental Economics (NCEE) is leading an effort to "Increase Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process." NCEE is considering developing implementing regulations on consideration of costs during the development of regulatory actions. On April 11<sup>th</sup>, NCEE submitted an ANPRM to OMB for review. OMB review is expected to conclude by May 3<sup>rd</sup>. OLEM is tracking this effort. *(David Nicholas, Bill Noggle)*

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#### Action Items for ODs/OLEM Program Offices

#### Reports to Congress

#### Policy Issues and Initiatives

#### Public Announcements within 60 Days

#### White House Weekly Items

#### External Speaking Engagements

Cabinet Report: Good Government Efforts

Cabinet Report: Controversial Issues and Resolution

Message

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**From:** Cogliano, Gerain [Cogliano.Gerain@epa.gov]  
**Sent:** 4/17/2018 4:05:12 PM  
**To:** Jutras, Nathaniel [Jutras.Nathaniel@epa.gov]  
**CC:** Adams, Darryl [Adams.Darryl@epa.gov]  
**Subject:** RE: new? item for Tracker

**Importance:** High

Bill Nickerson is reaching out today to OMB re review of the Q&As associated with CERCLA/EPCRA reporting of animal wastes. If OMB wants to review (highly likely), we will need to send immediately. If not, I'm told OP will want to keep a record of this in ADP Tracker anyways. So we really need to split 5484.1 to 5484.3 (5484.2 already exists and is for a related rule to 5484). The new 5484.3 is really an off-shoot of 5484.1.

5484.3---

Title: Q&As for CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Abstract: EPA is developing Q&As to assist farmers with reporting air releases of hazardous substances from animal wastes under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These Q&As will clarify reporting requirements.

Stage:

Final Action

Timing:

To OP for OMB Review: 4/17/18

To OMB: 4/17/18

OMB Concludes Review: 4/23

Posting: 4/24

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**From:** Cogliano, Gerain  
**Sent:** Tuesday, April 03, 2018 3:17 PM  
**To:** Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>  
**Cc:** Adams, Darryl <Adams.Darryl@epa.gov>  
**Subject:** RE: new? item for Tracker

Any ideas of how to proceed?

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**From:** Cogliano, Gerain  
**Sent:** Thursday, March 29, 2018 10:05 AM  
**To:** Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>  
**Cc:** Adams, Darryl <Adams.Darryl@epa.gov>  
**Subject:** new? item for Tracker

The Administrator has directed OLEM to modify/update an existing document on our Animal Wastes website dealing with the interpretation of EPCRA section 304 reporting of animal wastes from farms--basically the interpretation of "used in routine agricultural operations" under EPCRA. OMB will want to review this.

FYI: We will also need to update the Animal Wastes website. OMB reviewed the information on this website last year. OP management has been apprised as to the need for updating the website and the hope that OMB does not review this updating effort. I can't get into ADP Tracker for some reason today but I think the SAN for the website is 5484.1.

If OMB is to review the updates to the website (which this document is a part of that effort), one could argue that all could be done under one ADP Tracker entry (5484.1?) But we need this particular document posted by nlt May 1; we'll have this doc ready for OMB review by 4/17. We won't have the revised website ready by that time.

We need to add the interpretation doc to ADP Tracker, somehow. You'll notice in ADP Tracker we have SAN 5484.2 as a rule on the Interpretation of "Used in Routine Agricultural Operations" under EPCRA. We are keeping that rule as TBD in case we need to do this rule later. So for this updated document, should it be a new split (5484.3)---or part of 5484.2----or part of 5484.1?

The new title of the document is in flux but I think it will be "Does EPCRA Section 302 require farms to report releases from animal waste?"

Gerain



Message

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**From:** Sassman, Hannah [sassman.hannah@epa.gov]  
**Sent:** 4/11/2018 5:22:17 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**CC:** Foster, Stiven [Foster.Stiven@epa.gov]  
**Subject:** RE: PARMS weekly  
**Attachments:** Barrys Weekly 4-12-2018 PARMS sci.DOCX

Hi Bill,

Science team updates are in the attachment.

---

**From:** Noggle, William  
**Sent:** Wednesday, April 11, 2018 10:40 AM  
**To:** Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Sassman, Hannah <sassman.hannah@epa.gov>; Yaquian-Luna, Jose <yaquian-luna.josea@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>  
**Subject:** PARMS weekly

To all –

Send me your updates to the weekly by 2pm today.

Thanks,  
Bill

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of April 16 - 27, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

DSW Vacatur

The rule is ready for either Administrator signature or OMB review shortly. Significance briefing with OMB was held on March 28<sup>th</sup>. Waiting for OMB to determine if they will waive review. (*Bill Noggle*)

PNDD Guidance

The draft guidance cleared OMB review on April 6<sup>th</sup>. The FR notice opening the comment period will be signed by ORCR OD. Barry/Steven clearance is needed on the guidance. (*Bill Noggle*)

**Informational/No Action Required**

Interpretation under EPCRA re Reporting of Releases of Animal Wastes from Farms  
Guidance: Given the FARM Act, OLEM is revising a guidance interpreting EPCRA's reporting requirements of releases of animal wastes from farms. Expecting a revised version for agency review/approval by April 10<sup>th</sup> and to OMB for an expedited review by April 17<sup>th</sup>. Striving to post on the web before May 1<sup>st</sup>. (*Gerain Cogliano, Barbara Hostage*)

RMP Reconsideration NPRM

OMB expects to send the first-round of interagency comments on April 4<sup>th</sup>. A meeting for DOJ to provide their comments is scheduled for April 5<sup>th</sup>. EO 12866 Listening Sessions are scheduled for April 10<sup>th</sup> (one with Blue Green Alliance, another with AFPM and API) and for April 12<sup>th</sup> (with ACC). (*Gerain Cogliano, Bill Noggle*)

Hazardous Substances Spill Prevention NPRM

Package is at OMB for interagency. Meeting with DOJ to receive first round comments is scheduled for April 12<sup>th</sup>. The remaining first round comments are expected by April 13<sup>th</sup>. (*Bill Noggle, Gerain Cogliano*)

Updates to SW-846 Methods 8260 and 8270

Package was submitted to OMB for interagency review on March 28<sup>th</sup>. (*Bill Noggle, Gerain Cogliano*)

Toxicology and Risk Assessment Conference (TRAC)

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On April 24-25, Kathleen Raffaele will attend The Toxicology and Risk Assessment Conference in Cincinnati, OH. The conference will include a full day session on issues regarding PFAS. *(Kathleen Raffaele)*

#### Lead Strategy

The President's Task Force for Children's Environmental Health Risks is working to complete a draft Lead Strategy by April 30. PARMS will be coordinating the development of content and review by OLEM. *(Stiven Foster)*

#### PFOA and PFOS Contaminated Groundwater Memorandum

OLEM is working with OW and ORD to develop a memo that addresses PFOA and PFOS contaminated groundwater. PARMS is coordinating the effort within OLEM and with the other Program Offices. *(Stiven Foster, Kathleen Raffaele)*

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#### Action Items for ODs/OLEM Program Offices

#### Reports to Congress

#### Policy Issues and Initiatives

#### Public Announcements within 60 Days

#### White House Weekly Items

#### External Speaking Engagements

#### Cabinet Report: Good Government Efforts

#### Cabinet Report: Controversial Issues and Resolution

Message

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**From:** Sassman, Hannah [sassman.hannah@epa.gov]  
**Sent:** 1/31/2018 4:11:59 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**CC:** Foster, Stiven [Foster.Stiven@epa.gov]; Raffaele, Kathleen [raffaele.kathleen@epa.gov]  
**Subject:** RE: PARMS weekly  
**Attachments:** Barrys Weekly 2-1-2018 PARMS SCI .DOCX

Hi Bill,

Attached is the science team's input. Thanks!

---

**From:** Noggle, William  
**Sent:** Wednesday, January 31, 2018 8:19 AM  
**To:** Hostage, Barbara <Hostage.Barbara@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Sassman, Hannah <sassman.hannah@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Yaquian-Luna, Jose <yaquian-luna.josea@epa.gov>  
**Subject:** PARMS weekly

To all –

Please send your updates to the weekly by 12:30 today.

Thanks,  
Bill

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of February 4 - 17, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

HRM 108(b) Final Rule

We are waiting on OGC to tell us who will sign (on behalf of OGC) the correction memo for post-signature changes to the final rule. Barry will also need to sign the memo. *(Rick Mattick, Gerain Cogliano, Bill Noggle)*

Aerosol Cans NPRM

We expect to receive the signature package from ORCR soon and, as such, obtain soon thereafter DAA signature on the action memo. *(Richard Mattick, Gerain Cogliano)*

**Informational/No Action Required**

NHSM OTRTs Final Rule

Rule was signed by the Administrator on January 26<sup>th</sup>. FR publication is pending. *(Richard Mattick/Gerain Cogliano/Bill Noggle)*

CERCLA/EPCRA Ag Reporting

Form: An emergency ICR package, including a new streamlined continuous release reporting form for farmers, is under review at OMB. The public comment period announced by the FR notice closed on December 15<sup>th</sup>. EPA received 11 comments on the ICR and the form. The updated form, instructions, and supporting statement were sent (outside of ROCIS) to OMB on January 17<sup>th</sup>. OMB is reviewing the ICR for clearance.

*Rulemaking:* Program and OGC are continuing to consider aspects of a legislative rule on the Interpretation of "Used in Routine Agricultural Operations" under EPCRA. *(Bill Noggle, Gerain Cogliano)*

Coal Combustion Residuals Remand/Reconsideration Proposed Rule

Rule is at OMB for interagency review. OMB sent second-round comments on January 19<sup>th</sup>. Second-round responses are under review by senior management. *(Richard Mattick, Bill Noggle, Gerain Cogliano)*

PNDD Guidance

The draft guidance is under OMB/interagency review. OMB sent first-round comments on January 18<sup>th</sup>. *(Bill Noggle)*

#### Hazardous Substances Spill Prevention NPRM

On January 31<sup>st</sup> OLEM briefed OMB on the rule to aid OMB in determining whether the rule is significant or not under EO 12866. The FAR package is expected to be distributed to the workgroup by January 31<sup>st</sup>, and the FAR meeting is tentatively scheduled for February 21<sup>st</sup>. *(Bill Noggle, Chris Prins)*

#### RMP Reconsideration NPRM

The workgroup met on Jan 23<sup>rd</sup> to discuss the draft rulemaking and schedule. On Jan 24<sup>th</sup>, OLEM, OGC, OP and OCIR met to discuss possible Federalism EO-related consultation. *(Gerain Cogliano, Chris Prins)*

#### Federal Information Exchange on PFAS

On February 5<sup>th</sup> and 6<sup>th</sup>, the Toxics & Risks Subcommittee of the National Science and Technology Council Committee on Environment, Natural Resources, and Sustainability, co-chaired by the DoD, EPA, and NIH, will host a Federal Information Exchange on PFAS *(Kathleen Raffaele, Stiven Foster)*

#### Children's Environmental Health (CEH) Partner Alliance Coordination Team (PACT)

The CEH PACT will have a meeting on February 7<sup>th</sup> to receive updates from participating offices. *(Kathleen Raffaele, Stiven Foster)*

#### Risk Assessment Ontologies Project

On February 8<sup>th</sup>, PARMS Science Team members will attend an introductory meeting for a "Risk Assessment Ontologies Project." The goal of the meeting to explain the project (being led out of OSA), outline the background work that has been done to date, and review plans for the work group moving forward. *(Kathleen Raffaele, Stiven Foster)*

#### Science and Technology Policy Council- Scientific Support Panel (STPC SSP)

The STPC SSP will meet on February 8<sup>th</sup> to discuss chemicals with mutagenic mode of action determinations and options for maintaining a list of mutagenic chemicals. *(Kathleen Raffaele, Stiven Foster)*

#### EPA Working Group to coordinate Umbrella Memorandum of Agreement (MOA) with NASA

On February 8<sup>th</sup>, the EPA Working Group to coordinate Umbrella MOA with NASA will hold its quarterly meeting. *(Kathleen Raffaele)*

#### Asbestos Paper Feedback

Members of the Asbestos Technical Review Workgroup have identified some issues with a recent publication from the Superfund Research Program center at the University of Pennsylvania. PARMS will facilitate a dialogue on February 9<sup>th</sup>. *(Kathleen Raffaele, Stiven Foster)*

#### PCB Assessment Update

On February 12<sup>th</sup>, there will be a meeting to discuss the current activities of the IRIS PCB Assessment Team. *(Kathleen Raffaele, Stiven Foster)*

#### Sustainable Solutions Partner Alliance Coordination Team (PACT)

There will be a meeting of the Sustainable Solutions PACT on February 14<sup>th</sup> to discuss developing a new Strategic Research Action Plan (StRAP). (*Kathleen Raffaele, Stiven Foster*)

#### Operating Properly and Successfully Guidance

PARMS will facilitate a significant guidance determination briefing for OMB on February 15<sup>th</sup> for the G[ [HYPERLINK "https://www.epa.gov/fedfac/guidance-evaluation-federal-agency-demonstrations-remedial-actions-are-operating-properly-and"](https://www.epa.gov/fedfac/guidance-evaluation-federal-agency-demonstrations-remedial-actions-are-operating-properly-and) ]. (*Stiven Foster*)

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#### Action Items for ODs/OLEM Program Offices

#### Reports to Congress

#### Policy Issues and Initiatives

#### Public Announcements within 60 Days

#### White House Weekly Items

#### External Speaking Engagements

#### Cabinet Report: Good Government Efforts

#### Cabinet Report: Controversial Issues and Resolution

Message

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**From:** Cybulski, Walter [Cybulski.Walter@epa.gov]  
**Sent:** 2/6/2018 6:11:28 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**Subject:** RE: February tiering

Sounds good, Bill. Thanks for the further details. Much appreciated.

- Walter

---

**From:** Noggle, William  
**Sent:** Tuesday, February 06, 2018 1:08 PM  
**To:** Cybulski, Walter <Cybulski.Walter@epa.gov>  
**Subject:** RE: February tiering

Walter,  
You're correct. We are just looking to streamline the reporting process, including modifying the forms. If the project shifts and we get into estimating emission methods, I can reach out to you to be on the WG. Sound ok?

Thanks,  
Bill

---

**From:** Cybulski, Walter  
**Sent:** Tuesday, February 06, 2018 12:56 PM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** FW: February tiering

Hello, Bill.

# Deliberative Process / Ex. 5

Regards,  
Walter

Walter J. Cybulski III, Ph.D.  
U.S. Environmental Protection Agency  
Office of Research and Development, Office of Science Policy  
Ronald Reagan Building -- Room 51120, Mail Code 8104R  
1200 Pennsylvania Avenue NW, Washington, DC 20460  
Telephone: (202) 564-2409 Email: [cybulski.walter@epa.gov](mailto:cybulski.walter@epa.gov)

## **February 2018 Tiering List**

### **New Tiering:**

### **OLEM**



# Deliberative Process / Ex. 5

*No Workgroup Specified*

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of December 17 - 30, 2017**

**Items Requiring AA Signature/Approval/Concurrence**

**Informational/No Action Required**

eManifest Final Rule

OMB concluded review on December 12<sup>th</sup>. The rule package is with OP for clearance for Administrator signature. (*Bill Noggle*)

HRM 108(b) Final Rule

Final Rule signed on December 1<sup>st</sup>. Rule is pending publication. We expect to see edits from the OFR in the next several days. (*Rick Mattick, Gerain Cogliano, Bill Noggle*)

CERCLA/EPCRA Ag Reporting

Form: An emergency ICR package, including a new streamlined continuous release reporting form for farmers, is under review at OMB. The public comment period announced by the FR notice ends on December 15<sup>th</sup>. OMB will conclude review after the public comment period ends.

Rulemaking: OGC and OLEM (OEM and PARMS) will meet on December 14<sup>th</sup> to discuss possible types and timing of rulemaking for an Interpretation of "Used Routine Agricultural Operations" under EPCRA. (*Bill Noggle, Gerain Cogliano*)

Import/Export CBI Final Rule

Final rule was signed by the Administrator on December 11<sup>th</sup>. The rule is pending FR publication. (*Bill Noggle*)

**NHSM OTRTs Final Rule**

**The Rule package is under OMB/interagency review. ORCR is working on a pass back package to address OMB and SBA comments. OMB has requested that the passback be provided by COB December 18<sup>th</sup> in order to best accommodate their target to conclude review by the end of the calendar year. In addition to comments centering around clarity of the EA; at primary issue was a request to have the rule become effective immediately instead of the proposed 60 days. (*Richard Mattick*)**

**Coal Combustion Residuals Remand/Reconsideration Proposed Rule**

Per political direction, OLEM/ORCR is targeting December 19<sup>th</sup> to transfer the draft rule package to OP for a 30-day OMB review. PARMS will distribute the package to key Intra-Agency stakeholders this week to identify any significant outstanding issues.

**Publication of the proposed rule is targeted for the end of January 2018. (Richard Mattick)**

PNDD Guidance

The draft guidance is under OMB/interagency review. EO 12866 meeting with USWAG occurred on December 13<sup>th</sup>. (Bill Noggle)

RMP Revisions NPRM

The rulemaking schedule has been developed and provided to AA's office. The workgroup will meet on Jan 23 to discuss draft rulemaking documents, which will be provided to the workgroup soon. (Gerain Cogliano, Chris Prins)

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Action Items for ODs/OLEM Program Offices

Reports to Congress

Policy Issues and Initiatives

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Cabinet Report: Good Government Efforts

Cabinet Report: Controversial Issues and Resolution

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of March 12-23, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

**Informational/No Action Required**

RMP Reconsideration NPRM

The OMB Review package was submitted to OP on February 23<sup>rd</sup>. OP sent comments/issues back to OLEM on March 7<sup>th</sup>. We expect the issues to be addressed shortly, and the package sent to OMB the week of March 12<sup>th</sup>. (*Gerain Cogliano, Chris Prins*)

Aerosol Cans NPRM

On March 5<sup>th</sup>, the rule was signed by the Administrator. (*Richard Mattick, Gerain Cogliano, Bill Noggle*)

CERCLA/EPCRA Ag Reporting

RQ Modifications (aka RQ Adjustment of Ammonia and Hydrogen Sulfide for Air Releases at Farms): The NPRM package was accepted by OMB on March 6<sup>th</sup> for interagency review. Interagency review is expected to conclude by March 16<sup>th</sup>. (*Gerain Cogliano, Bill Noggle*)

Coal Combustion Residuals Remand/Reconsideration Proposed Rule

Rule was signed on March 1<sup>st</sup>. FR publication date is requested for March 19<sup>th</sup>. (*Richard Mattick, Bill Noggle, Gerain Cogliano*)

PNDD Guidance

The draft guidance is under OMB/interagency review. Expecting to conclude review by March 16<sup>th</sup>. (*Bill Noggle*)

International Coordination

Along with ORCR and other EPA offices and in the capacity as technical lead for Annex IV of EPA's MOU with China MEP, provided feedback to inform a USG position for the WTO in response to China's effective ban on the import of recyclable materials. China's import restrictions are the latest action in a series of measures taken by that country over the last several years that are upending global markets for recyclables and adversely affecting recycling programs at the State and local levels in the U.S.

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### Society of Toxicology Meeting

On March 11<sup>th</sup>-15<sup>th</sup>, Kathleen Raffaele will attend the Society of Toxicology annual meeting in San Antonio, TX. (*Kathleen Raffaele*)

### ORD-OLEM meeting

On March 19<sup>th</sup>, there will be a meeting between ORD and OLEM to discuss ORD's upcoming Strategic Research Action Plan (StRAP) refresh. (*Kathleen Raffaele, Stiven Foster*)

### PFAS Coordinating Committee

The monthly PFAS Coordinating Committee meeting is scheduled for March 20<sup>th</sup>; the agenda has not been set yet. (*Kathleen Raffaele, Stiven Foster*)

### OLEM Science Team

The OLEM Science Team will hold its quarterly meeting in PY on March 22<sup>nd</sup>. The agenda will include updates and information exchange between the OLEM program offices. (*Kathleen Raffaele, Stiven Foster*).

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### Action Items for ODs/OLEM Program Offices

### Reports to Congress

### Policy Issues and Initiatives

### Public Announcements within 60 Days

### White House Weekly Items

### External Speaking Engagements

### Cabinet Report: Good Government Efforts

### Cabinet Report: Controversial Issues and Resolution

Message

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**From:** Cogliano, Gerain [Cogliano.Gerain@epa.gov]  
**Sent:** 10/20/2017 6:56:53 PM  
**To:** Brandon\_F\_DeBruhl@omb.eop.gov  
**CC:** Noggle, William [Noggle.William@epa.gov]; Jutras, Nathaniel [Jutras.Nathaniel@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]  
**Subject:** EO 12866 Review--Revised docs related to CERCLA/EPCRA Reporting Requirements 2050-ZA12  
**Attachments:** EO12866\_CERCLA Ag Reporting\_2050-ZA12\_FinalPolicy\_CERCLA\_revision20171020.docx; EO12866\_EPCRA Ag Reporting\_2050-ZA12\_FinalPolicy\_EPCRA\_revision20171020.docx

**Importance:** High

Hi Brandon,

Here are the revised CERCLA and EPCRA documents relating to reporting requirements for farmers (2050-ZA12). Looking forward to hearing from you regarding these.

Thanks.

*Gerain Cogliano*

OLEM's Regulatory Steering Committee Representative

Policy and Regulatory Management Team Leader  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

WJC West Room 4130  
Phone Number: 202-566-1929  
Fax Number: 202-566-1934  
Mail Code: 5103T  
cogliano.gerain@epa.gov

Message

---

**From:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Sent:** 10/26/2017 12:46:46 PM  
**To:** Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Noggle, William [Noggle.William@epa.gov]  
**Subject:** RE: EPCRA CERCLA Ag Guidance is now available

Thanks for the message-I'm always happy to help. It is great working with you again!

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

Follow OLEM on Twitter @EPALand

---

**From:** Cooperstein, Sharon  
**Sent:** Thursday, October 26, 2017 8:24 AM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>  
**Subject:** Re: EPCRA CERCLA Ag Guidance is now available

Hi Patty and Bill,

Congrats on getting this through the interagency process and posted to the web. I really appreciate you helping me get up to speed on this as it went through OMB review.

Thank you!

Sharon

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, October 25, 2017 9:30:17 PM  
**To:** Swenson, Erik; Lewis, Jen; Salo, Earl; Michaud, John; Jacob, Sicy; Franklin, Kathy; Bosecker, Elizabeth; Principe, Vanessa; Sullivan, Tim; Ziegel, Dean; Beasley, Lynn; Hostage, Barbara; Cogliano, Gerain; Noggle, William; Hull, George; Beaman, Joe; Cooperstein, Sharon; Dunkins, Robin; Costa, Allison; Schrock, Bill  
**Cc:** Clark, Becki; Cheatham, Reggie; Jennings, Kim; Brooks, Becky; Taylor, Trish; Breen, Barry; Simon, Nigel; Darwin, Veronica; Davis, Patrick; Janifer, Pamela; Grantham, Nancy; Gerardin, Margaret; Mayer, Eileen; Indermark, Michele; Hilosky, Nick  
**Subject:** EPCRA CERCLA Ag Guidance is now available

I am pleased to announce that the EPCRA/CERCLA ag guidance is live on the EPA website. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste, see: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Thank you all for your assistance developing this guidance and for your support through the interagency review process. It was a lot of work and we couldn't have done it without your expertise!

Best wishes!

-----  
Patty Gioffre  
Acting Deputy Division Director

USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)



Message

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**From:** Hostage, Barbara [Hostage.Barbara@epa.gov]  
**Sent:** 10/12/2017 10:56:13 AM  
**To:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Noggle, William [Noggle.William@epa.gov]  
**Subject:** FW: Language requesting feedback from stakeholders for CERCLA 103 website

Not sure what Jen is asking.

So, I thought that if OGC revised the EPCRA Q&A so that we could send today, that would go via the OMB route since OMB also wants to review.

I also thought I heard at the end of the call with Patrick Davis yesterday that Jen said that perhaps we would only send them the following language and tell them we are still "constructing the CERCLA 103 web information." Did I misunderstand?

EPA has developed this guidance to assist farms in complying with requirements to report air releases of hazardous substances from animal waste. EPA welcomes comments and suggestions from the regulated community and the public on these resources and other additional resources that should be included here. EPA asks that comments or suggestions be provided within the next 30 days so that EPA can revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.

If we send all the Q & As, it will be difficult not to mention this to OMB, who then will likely want to see them too. And, if they see them, they WILL comment on them despite the fact that we say there is nothing new in them.

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Lewis, Jen  
**Sent:** Wednesday, October 11, 2017 4:48 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Subject:** RE: Language requesting feedback from stakeholders for CERCLA 103 website

What was the outcome – send the whole thing to DOJ or just the 103 part?

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

---

**From:** Noggle, William  
**Sent:** Wednesday, October 11, 2017 3:25 PM  
**To:** Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hostage, Barbara

<Hostage.Barbara@epa.gov>

**Subject:** RE: Language requesting feedback from stakeholders for CERCLA 103 website

Patty, Jen,

I just spoke with Barbara. Please feel free to share the CERCLA language with DOJ directly. No need to inform OMB. If this becomes a problem for OMB, we (PARMS) will discuss with them.

Separately, I don't know if Patrick intends on calling OP to press for clearing interagency review by the end of this week. When discussing at the awards ceremony, his main concern was the CERCLA Q&As getting posted on the web on Monday (to give farmers as much time as possible to prep for reporting). He no longer seemed concerned if the EPCRA Q&A took a bit longer to clear OMB. Although, I think we should still push OMB to clear this week, if we don't think anything will change with an extra week for OMB review.

Finally, Patty, when you send the CERCLA Q&As up to OLEM management for review, please also send directly to Byron.

Thanks,  
Bill

---

**From:** Lewis, Jen

**Sent:** Wednesday, October 11, 2017 1:53 PM

**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Hull, George <Hull.George@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

**Cc:** Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>

**Subject:** RE: Language requesting feedback from stakeholders for CERCLA 103 website

Hi – I'd like to clarify that ideally we would run this language by DOJ. This was my attempt to edit what Patty had already drafted to be consistent with a phone call I just had with DOJ – but, I know DOJ would like to see at least this piece if possible.

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

---

**From:** Gioffre, Patricia

**Sent:** Wednesday, October 11, 2017 1:49 PM

**To:** Principe, Vanessa <Principe.Vanessa@epa.gov>; Hull, George <Hull.George@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

**Cc:** Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>

**Subject:** Language requesting feedback from stakeholders for CERCLA 103 website

Here is language that OGC is requesting that we add to the CERCLA 103 webpage to appear before the questions: EPA has developed this guidance to assist farms in complying with requirements to report air releases of hazardous substances from animal waste. EPA welcomes comments and suggestions from the regulated community and the public on these resources and other additional resources that should be included here. EPA asks that comments or suggestions

be provided within the next 30 days so that EPA can revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.

The purpose is to show intent that we intend to revise the guidance and therefore, request the courts to delay the mandate.

We can discuss at 2:30 pm if anyone has concerns.

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

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Message

---

**From:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Sent:** 9/28/2017 11:36:28 AM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**Subject:** RE: Ag Vacatur WG list

You bet.

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

[Follow OLEM](#) on Twitter @EPALand

---

**From:** Noggle, William  
**Sent:** Thursday, September 28, 2017 6:33 AM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>  
**Subject:** RE: Ag Vacatur WG list

Sounds good. Are you good with the title ""Guidance for CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms?"

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, September 27, 2017 4:11 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>  
**Subject:** RE: Ag Vacatur WG list

Bill- Let's go with the following for the abstract:

# Deliberative Process / Ex. 5

As for schedule, we are hoping to finalize by 10/16/17.  
Finally, George is on detail to OEM now so he will be assisting us with communication efforts on this rule.

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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---

**From:** Noggle, William  
**Sent:** Wednesday, September 27, 2017 12:37 PM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: Ag Vacatur WG list

Sicy, Patty, Kim,  
Could you please review the attached tiering form today (you only need to review the abstract, which I copied below)? Also, please let me know what the schedule is for this guidance? Finally, isn't George Hull in the AO?

Abstract:

# Deliberative Process / Ex. 5

Thanks,  
Bill  
202-566-1306

---

**From:** Jacob, Sicy  
**Sent:** Wednesday, September 27, 2017 8:32 AM  
**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: Ag Vacatur WG list

Sorry I meant to...getting old and forgetful ☺

---

***Sicy Jacob***  
***Chemical Engineer***  
***Regulations Implementation Division***  
***Office of Emergency Management***  
***U.S. EPA, MailCode 5104A***  
***1200 Pennsylvania Avenue, NW***  
***Washington DC 20004***  
***(202) 564-8019***

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, September 27, 2017 8:30 AM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: Ag Vacatur WG list

Should we add George Hull from our office?

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

Follow OLEM on Twitter @EPALand

-----  
**From:** Jacob, Sicy  
**Sent:** Wednesday, September 27, 2017 8:27 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Subject:** RE: Ag Vacatur WG list

Hi, Bill: You can put me and Kim Jennings as WG chairs.

Here is the list of people that are involved in developing guidance, Q & A, etc. All these folks will not be working on the rule to remove the language exempting farms. But all are providing support in developing guidance/Q & A.

Lynn Beasley worked on the original rule (2007/2008) and she has been involved in although she is in ORCR now.

Kim/Patty: I think I got everyone that is involved. Please let me/Bill know if I missed anyone. Thanks.

OAD Primary:	Robin Dunkins OAR/OAQPS,SPPD, NRG
OAD Secondary:	Allison Costa OAR/
OAD Secondary:	Bill Schrock OAR/OAQPS,SPPD, NRG
OECA	Dean Ziegel OECA/
OECA:	Tim Sullivan OECA/OCE,SLPD
OGC:	Erik Swenson OGC/SWERLO
OGC:	Jen Lewis OGC/
OGC:	Earl Salo OGC/
OLEM:	Barbara Hostage OLEM
OLEM:	Gerain Cogliano OLEM ?
OLEM:	Kim Jennings OLEM/OEM
OLEM :	Sicy Jacob OLEM/OEM
OLEM:	Patricia Gioffre OLEM/OEM
OLEM:	Joe Beaman OLEM/OEM
OLEM:	Kathy Franklin OLEM/OEM
OLEM:	Vanessa Principe OLEM/OEM
OLEM:	Beth Bosecker OLEM/OEM
OLEM:	Alan Tarrab OLEM/OEM
ORCR:	Lynn Beasley ORCR

-----  
***Sicy Jacob***  
***Chemical Engineer***  
***Regulations Implementation Division***  
***Office of Emergency Management***  
***U.S. EPA, MailCode 5104A***  
***1200 Pennsylvania Avenue, NW***  
***Washington DC 20004***

(202) 564-8019

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 9:07 PM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>  
**Subject:** Ag Vacatur WG list

Sicy,  
Are you the WG chair for the Ag vacatur rule? And the Ag reporting guidance? If so, I need help with the workgroup list. I have a feeling the list in ADP Tracker is out of date. Could you please let me know who is still part of the WG? Here is the list I have:

OA Primary:	Alicia Kaiser	OA/IO
OAR Primary:	Robin Dunkins	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Larry Elmore	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Allison Mayer	OAR/OAQPS,SPPD, NRG
OAR Secondary:	Bill Schrock	OAR/OAQPS,SPPD, NRG
OECA Primary:	Kimberly Fedinatz	OECA/OSRE,PPED
OECA Secondary:	Sanda Howland	OECA/OCE; SLPD
OECA Secondary:	Tim Sullivan	OECA/OCE,SLPD
OGC Primary:	Erik Swenson	OGC/SWERLO
OLEM Support:	Lynn Beasley	OLEM/OEM
OLEM Support:	Sicy Jacob	OLEM/OEM
OLEM Support:	Richard Mattick	OLEM/OEM
OLEM Support:	Peter Oh	OLEM/OEM
OP Primary:	Sharon Cooperstein	OP/ORPM/PRAD (202-564-7051)
ORD Primary:	Walter Cybulski	ORD/OAA; OSP
OW Primary:	Nina Bonnelycke	OW/OWM, WPD
R03 Primary:	Perry Pandya	Region03/HSCD
R04 Primary:	Bryce Covington	Region04/APTMD
R04 Secondary:	Caron Falconer	Region04/APTMD
R05 Primary:	RUTH MCNAMARA	Region05/SFD
R07 Primary:	George Hess	Region07/ARTD
R07 Secondary:	Dan Breedlove	Region07/ORA
R07 Secondary:	Alyse Stoy	Region07/ORA
R08 Primary:	David Cobb	Region08/OECEJ
R08 Secondary:	Michael Boydston	Region08/ORA/ORC
R08 Secondary:	Jennifer Schuller	Region08/ORA
R09 Primary:	Mary Wesling	Region09/SFD
R09 Secondary:	Michael Massey	Region09/ORC
R10 Primary:	Suzanne Powers	Region10/ECL
R10 Secondary:	Nicholas Peak	Region10/OE

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Boyle, Kathryn [Boyle.Kathryn@epa.gov]  
**Sent:** 9/27/2017 7:38:11 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Thank you!

---

Kathryn Boyle  
Office of Regulatory Policy and Management  
Office of Policy  
Environmental Protection Agency  
202.564.8194  
[boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov)

---

**From:** Noggle, William  
**Sent:** Wednesday, September 27, 2017 3:34 PM  
**To:** Boyle, Kathryn <Boyle.Kathryn@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

## Deliberative Process / Ex. 5

---

**From:** Boyle, Kathryn  
**Sent:** Wednesday, September 27, 2017 2:46 PM  
**To:** Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Could you give me a couple of pieces of information so I can add to the spreadsheet?

What will be the Full Title of the action in ADP Tracker?  
It will be deregulatory?

Thanks

Kathryn

---

Kathryn Boyle  
Office of Regulatory Policy and Management  
Office of Policy  
Environmental Protection Agency  
202.564.8194  
[boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov)

---

**From:** Noggle, William  
**Sent:** Wednesday, September 27, 2017 12:17 PM



**To:** Boyle, Kathryn <Boyle.Kathryn@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Kathryn,  
We'd like to split the Vacatur (SAN 5484), and put the Guidance under the new split, as 5484.1. How do we do that?

Thanks,  
Bill

---

**From:** Boyle, Kathryn  
**Sent:** Wednesday, September 27, 2017 11:58 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Bill --

Has this been added to Tracker – I just looked and could not find it and I am trying to enter into the spreadsheet for OMB.

Thanks

Kathryn

---

Kathryn Boyle  
Office of Regulatory Policy and Management  
Office of Policy  
Environmental Protection Agency  
202.564.8194  
[boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov)

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 11:00 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Griffiths, Charles <Griffiths.Charles@epa.gov>; Morgan, Cynthia <Morgan.Cynthia@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nicole,  
Yes, the guidance will be done in FY18. Here is a short abstract:

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I'll let you know when it's added to Tracker.

Thanks,  
Bill  
202-566-1306

---

**From:** Owens, Nicole  
**Sent:** Tuesday, September 26, 2017 10:08 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Griffiths, Charles <Griffiths.Charles@epa.gov>; Morgan, Cynthia <Morgan.Cynthia@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Hi.

# Deliberative Process / Ex. 5

Nicole

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 6:53 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Subject:** FW: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nicole,  
Attached is the info requested on the CERCLA/EPCRA Reporting Guidance for Farms relating to the vacatur (the vacatur is SAN 5484). Please let us know if you need more info.

Thanks,  
Bill  
202-566-1306

---

**From:** Gioffre, Patricia  
**Sent:** Monday, September 25, 2017 4:20 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Bill-See attached. Let us know if you have any questions.

---

Patty Gioffre

US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

-----  
Follow OLEM on Twitter @EPALand

---

**From:** Noggle, William  
**Sent:** Monday, September 25, 2017 1:29 PM  
**To:** Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Joe, Sicy, Patty,

## Deliberative Process / Ex. 5

Thanks,  
Bill

---

**From:** Beaman, Joe  
**Sent:** Friday, September 22, 2017 2:50 PM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** Re: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Yes,

## Deliberative Process / Ex. 5

Joe

---

**From:** Jacob, Sicy  
**Sent:** Friday, September 22, 2017 1:59:05 PM  
**To:** Gioffre, Patricia; Noggle, William; Beaman, Joe  
**Cc:** Cogliano, Gerain; Jennings, Kim  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

# Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

**Sicy Jacob**  
**Chemical Engineer**  
**Regulations Implementation Division**  
**Office of Emergency Management**  
**U.S. EPA, MailCode 5104A**  
**1200 Pennsylvania Avenue, NW**  
**Washington DC 20004**  
**(202) 564-8019**

---

**From:** Gioffre, Patricia  
**Sent:** Friday, September 22, 2017 1:39 PM  
**To:** Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

OK Bill. We should be able to pull something together by Monday.

## Deliberative Process / Ex. 5

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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---

**From:** Noggle, William  
**Sent:** Friday, September 22, 2017 1:13 PM  
**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>  
**Subject:** NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Patty,  
OP would like to include the CERCLA/EPCRA guidance (or Qs&As) in with the Agency's deregulatory efforts for FY 2018. They want the following information: title, 3-4 sentences of abstract, and FY 2018 cost savings data (same fields that Joe pulled together for the vacatur – see below). They need by Monday at the latest.

## Deliberative Process / Ex. 5

Cost Savings data fields requested by OP:

# Deliberative Process / Ex. 5

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Sent:** 10/5/2017 11:00:10 AM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**Subject:** Re: OMB Briefing Materials for EPCRA CERCLA response to court vacatur

Thank you so much!!!

Sent from my iPhone

On Oct 4, 2017, at 10:56 PM, Noggle, William <Noggle.William@epa.gov> wrote:

I'll take care of the edits, but I need Kathy's edits. Could you please send me her version?

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, October 04, 2017 5:17 PM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** FW: OMB Briefing Materials for EPCRA CERCLA response to court vacatur

I haven't heard from you on my request, so I may work on these edits in the morning (unless you tell me otherwise).

Copying you just in case.

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

Follow OLEM on Twitter @EPALand

---

**From:** Salo, Earl  
**Sent:** Wednesday, October 04, 2017 4:50 PM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>  
**Cc:** Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>  
**Subject:** RE: OMB Briefing Materials for EPCRA CERCLA response to court vacatur

Here are my comments:

1. On p.3 third bullet, "mandate" should be "remand."
2. P. 4 is confusing, because it says farms will report under EPCRA, even though the next page explains that farms will not report under EPCRA.
3. Page 6 is confusing, because "vacatur" is unclear, and because of the confusion on p. 4. I would delete the column titled "vacatur."

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, October 04, 2017 3:32 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie

<[cheatham.reggie@epa.gov](mailto:cheatham.reggie@epa.gov)>; Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>; Michaud, John  
<[Michaud.John@epa.gov](mailto:Michaud.John@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>;  
Prins, Christopher <[Prins.Christopher@epa.gov](mailto:Prins.Christopher@epa.gov)>; Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Franklin, Kathy  
<[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>; Bosecker, Elizabeth <[Bosecker.Elizabeth@epa.gov](mailto:Bosecker.Elizabeth@epa.gov)>; Principe, Vanessa  
<[Principe.Vanessa@epa.gov](mailto:Principe.Vanessa@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>

**Subject:** OMB Briefing Materials for EPCRA CERCLA response to court vacatur

Attached is a short slide deck to provide history on the CERCLA EPCRA rule that exempted reporting of emissions from animal wastes at farms. I also attached the FR notice of the final rule action from 2008. Please elevate showstopper issues quickly.

Thanks!

-----  
Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

-----  
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Message

---

**From:** Prins, Christopher [Prins.Christopher@epa.gov]  
**Sent:** 10/3/2017 10:05:06 AM  
**To:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**CC:** Jennings, Kim [Jennings.Kim@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Noggle, William [Noggle.William@epa.gov]  
**Subject:** FW: For workgroup review: CERCLA/EPCRA website for agriculture  
**Attachments:** Guidance for Farms DRAFT 10022017 .docx; Guidance for Farms DRAFT 10022017 cp 100317.docx

**Importance:** High

Patty – a few thoughts from a lay perspective.

Christopher

---

**From:** Gioffre, Patricia  
**Sent:** Monday, October 02, 2017 4:06 PM  
**To:** Ziegel, Dean <Ziegel.Dean@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>  
**Subject:** For workgroup review: CERCLA/EPCRA website for agriculture  
**Importance:** High

*My apologies to those who are receiving this message twice!*

Attached is a draft of the information to be added to the EPA website on CERCLA/EPCRA reporting (i.e., the CERCLA “guidance”).

I am requesting that the workgroup review this text simultaneously with the OLEM IO and OGC to expedite review. Note-Our web specialist still needs to format the text to meet agency website formatting requirements. That may change the appearance of the information but will not change the substance.

Please respond with any revisions at your earliest convenience.

Feel free to contact Kim Jennings (202-564-7998) or me with any questions.

Best wishes!

---

Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)



Message

---

**From:** Franklin, Kathy [Franklin.Kathy@epa.gov]  
**Sent:** 9/6/2017 7:19:28 PM  
**To:** Hostage, Barbara [Hostage.Barbara@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Prins, Christopher [Prins.Christopher@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Beasley, Lynn [Beasley.Lynn@epa.gov]  
**CC:** Hull, George [Hull.George@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]  
**Subject:** RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

"Soon" means when we can get it done.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: franklin.kathy@epa.gov

---

**From:** Hostage, Barbara  
**Sent:** Wednesday, September 06, 2017 2:59 PM  
**To:** Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>  
**Cc:** Hull, George <Hull.George@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>  
**Subject:** RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

I too do not have any comments, although I suspect people will be asking what "soon" means.

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Jacob, Sicy  
**Sent:** Wednesday, September 06, 2017 2:49 PM  
**To:** Franklin, Kathy <Franklin.Kathy@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>  
**Cc:** Hull, George <Hull.George@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

**Subject:** RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Thanks, Kathy.

---

**Sicy Jacob**  
**Chemical Engineer**  
**Regulations Implementation Division**  
**Office of Emergency Management**  
**U.S. EPA, MailCode 5104A**  
**1200 Pennsylvania Avenue, NW**  
**Washington DC 20004**  
**(202) 564-8019**

---

**From:** Franklin, Kathy  
**Sent:** Wednesday, September 06, 2017 2:46 PM  
**To:** Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Prins, Christopher <[Prins.Christopher@epa.gov](mailto:Prins.Christopher@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Beasley, Lynn <[Beasley.Lynn@epa.gov](mailto:Beasley.Lynn@epa.gov)>  
**Cc:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

No comments from me

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

---

**From:** Sullivan, Tim  
**Sent:** Tuesday, September 05, 2017 3:41 PM  
**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Prins, Christopher <[Prins.Christopher@epa.gov](mailto:Prins.Christopher@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Beasley, Lynn <[Beasley.Lynn@epa.gov](mailto:Beasley.Lynn@epa.gov)>  
**Cc:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>  
**Subject:** RE: Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

All:

I have reviewed the draft and included an edit using track changes in the attached document to better mirror the statutory language for when reporting is required.

Please contact me with any questions.

Thanks –

Tim

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

Help eliminate environmental violations - report tips and complaints at:  
<http://www.epa.gov/compliance/complaints/index.html>

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---

**From:** Gioffre, Patricia  
**Sent:** Tuesday, September 5, 2017 8:23 AM  
**To:** Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Prins, Christopher <[Prins.Christopher@epa.gov](mailto:Prins.Christopher@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Beasley, Lynn <[Beasley.Lynn@epa.gov](mailto:Beasley.Lynn@epa.gov)>  
**Cc:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms

Attached is a draft summary that can be used to answer questions on the vacatur of the CERCLA/ EPCRA reporting exemption for farms. EPA has received a lot of questions following the vacatur of the rule and this document is intended to be used as a standard response that all EPA offices can use.

We also plan to put this message on our website as an announcement with “more to come” as we develop our “guidance.”

Please review and respond to all on this message with any suggested edits by COB Wednesday. I’d like to get this out quickly to the other EPA offices (air and water) and onto our website.

Much thanks to Sicy and George for drafting this document!

---

Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

---

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Message

---

**From:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Sent:** 9/5/2017 2:22:34 PM  
**To:** Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]; Prins, Christopher [Prins.Christopher@epa.gov]; Noggle, William [Noggle.William@epa.gov]; Beasley, Lynn [Beasley.Lynn@epa.gov]  
**CC:** Jacob, Sicy [Jacob.Sicy@epa.gov]; Hull, George [Hull.George@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]  
**Subject:** Draft Update on CERCLA/ EPCRA Reporting Requirements for Air Release of Hazardous Substances from Animal Waste at Farms  
**Attachments:** Update on Next Steps for CERCLA EPCRA Reporting for Farms\_draft.docx

Attached is a draft summary that can be used to answer questions on the vacatur of the CERCLA/ EPCRA reporting exemption for farms. EPA has received a lot of questions following the vacatur of the rule and this document is intended to be used as a standard response that all EPA offices can use.

We also plan to put this message on our website as an announcement with "more to come" as we develop our "guidance."

Please review and respond to all on this message with any suggested edits by COB Wednesday. I'd like to get this out quickly to the other EPA offices (air and water) and onto our website.

Much thanks to Sicy and George for drafting this document!

-----  
Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)  
-----

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## **CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms**

On December 18, 2008, EPA published a final rule that exempted all farms from reporting air releases of hazardous substances from animal waste under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The final rule also exempted farms from reporting air releases of hazardous substances from animal wastes under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if they stable or confine fewer than a certain number of species. On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court has extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms that have releases of hazardous substances to air from animal wastes above their reportable quantities within any 24-hour period must provide notification to the National Response Center (NRC), the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) for the area likely to be affected by the release.

To assist farmers in meeting these CERCLA and EPCRA reporting requirements, EPA is currently developing guidance. EPA is working to have this guidance available to farmers soon to give them time to review the guidance and comply with the reporting requirements.

9/5/17

DRAFT

Message

---

**From:** Sassman, Hannah [sassman.hannah@epa.gov]  
**Sent:** 4/4/2018 4:51:22 PM  
**To:** Noggle, William [Noggle.William@epa.gov]  
**CC:** Foster, Stiven [Foster.Stiven@epa.gov]  
**Subject:** RE: PARMS weekly  
**Attachments:** Barrys Weekly 4-5-2018 PARMS sci.DOCX

Hi Bill,

Here are the science team updates. Thanks!

-Hannah

---

**From:** Noggle, William  
**Sent:** Wednesday, April 4, 2018 11:31 AM  
**To:** Prins, Christopher <Prins.Christopher@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Yaquian-Luna, Jose <yaquian-luna.josea@epa.gov>; Sassman, Hannah <sassman.hannah@epa.gov>  
**Subject:** PARMS weekly

PARMS –

Please send me your updates to the weekly by 2pm.

Thanks,

Bill

Consolidated Report to the AA  
Office of Land and Emergency Management  
Office of Program Management  
Policy Analysis and Regulatory Management Staff

**For the Weeks of April 9 - 20, 2018**

**Items Requiring AA Signature/Approval/Concurrence**

DSW Vacatur

The D.C. Circuit, on July 7, 2017, as modified on March 6, 2018, vacated two regulatory provisions of the 2015 Definition of Solid Waste Rule. A good cause final rule will be used to implement the court decision. The rule should be ready for either Administrator signature or OMB review shortly. Significance briefing with OMB was held on March 28<sup>th</sup>. *(Bill Noggle)*

PNDD Guidance

The draft guidance is under OMB/interagency review, but review is expected to conclude by April 6<sup>th</sup>. An FR notice opening the comment period should be ready by April 13<sup>th</sup>. *(Bill Noggle)*

**Informational/No Action Required**

Interpretation under EPCRA re Reporting of Releases of Animal Wastes from Farms

Guidance: As a result of the FARM Act, OLEM is revising a guidance interpreting EPCRA's reporting requirements of releases of animal wastes from farms. Expecting a revised version for agency review/approval by April 10<sup>th</sup> and to OMB for an expedited review by April 17<sup>th</sup>. Striving to post on the web before May 1<sup>st</sup>. *(Gerain Cogliano, Barbara Hostage)*

RMP Reconsideration NPRM

OMB expects to send the first-round of interagency comments by nlt April 2<sup>nd</sup>. A meeting for DOJ to provide their comments is scheduled for April 5<sup>th</sup>. *(Gerain Cogliano, Bill Noggle)*

Hazardous Substances Spill Prevention NPRM

Package was submitted to OMB for interagency review on March 23<sup>rd</sup>. First round of interagency comments is expected by April 13<sup>th</sup>. *(Bill Noggle, Gerain Cogliano)*

Updates to SW-846 Methods 8260 and 8270

Package was submitted to OMB for interagency review on March 28<sup>th</sup>. *(Bill Noggle, Gerain Cogliano)*

International Coordination

Worked with OITA to transmitted a revised draft work plan to China for review and agreement under the EPA- MEP (now Ministry of Ecology and Environment) MOU Waste



Annex, in advance of the planned Joint Committee on Environmental Cooperation (JCEC) meeting in early May. The Administrator is expected to travel to Beijing for the JCEC, and this meeting may provide an opportunity to move forward on topics of mutual interest, including Chinese environmental concerns related to the import of recyclable materials to China and cooperation related to environmental technologies.

#### Scientific Integrity Committee

The SI Committee will hold a quarterly meeting on April 10. Agenda will likely include updates on Best Practices for Clearance effort, and development of materials for addressing differing scientific opinions. PARMS is providing staff support to OLEM's Deputy Scientific Integrity Official Nigel Simon. (*Stiven Foster*)

#### TSCA Strategy Public Meeting

On April 10<sup>th</sup>, PARMS staff will attend a public meeting being held by EPA-OPPT on the draft strategy to reduce the use of vertebrate animals in chemical testing. Input and information obtained during this meeting will be considered in the development of the final Strategic Plan. (*Kathleen Raffaele*)

#### OLEM-ORD PFAS groundwater remediation meeting

On April 12, there will be a meeting between OLEM and ORD scientists to discuss PFAS groundwater remediation research. (*Kathleen Raffaele, Stiven Foster*)

#### Lead Strategy

The President's Task Force for Children's Environmental Health Risks is working to complete a draft Lead Strategy by April 30. PARMS will be coordinating the development of content and review by OLEM. (*Stiven Foster*)

#### PFOA and PFOS Contaminated Groundwater Memorandum

OLEM is working with OW and ORD to develop a memo that addresses PFOA and PFOS contaminated groundwater. PARMS is coordinating the effort within OLEM and with the other Program Offices. (*Stiven Foster, Kathleen Raffaele*)

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#### Action Items for ODs/OLEM Program Offices

#### Reports to Congress

#### Policy Issues and Initiatives

#### Public Announcements within 60 Days

#### White House Weekly Items

External Speaking Engagements

Cabinet Report: Good Government Efforts

Cabinet Report: Controversial Issues and Resolution

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 1/22/2018 3:48:49 PM  
**To:** Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]  
**Subject:** RE: continuous release reporting for farms

I don't know. Sorry. I'll let you know when I hear something.

---

**From:** Cooperstein, Sharon  
**Sent:** Monday, January 22, 2018 10:11 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: continuous release reporting for farms

Thanks Bill. Personal Matters / Ex. 6 Deliberative Process / Ex. 5

Thanks,

Sharon

---

Sharon Cooperstein  
Environmental Protection Agency  
Office of Policy  
WJC North 3521D | Mail Code 1803A  
202-564-7051

---

**From:** Noggle, William  
**Sent:** Friday, January 19, 2018 2:26 PM  
**To:** Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>  
**Cc:** Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Subject:** continuous release reporting for farms

Nicole, Sharon, Bill,

I just heard that OGC intends to file a motion later today to request a delay in the Jan 22<sup>nd</sup> court mandate for animal waste reporting. I asked OGC to send a blurb on the motion, so you can share with OMB, if you think it's appropriate (given Jim Laity's interest with the guidance). I'll pass along as soon as I get it.

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/19/2017 3:35:15 PM  
**To:** Dunkins, Robin [Dunkins.Robin@epa.gov]  
**Subject:** OMB request for meeting on animal waste emissions

Robin,

# Deliberative Process / Ex. 5

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/13/2017 6:49:07 PM  
**To:** Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]  
**Subject:** RE: OMB escalation  
**Attachments:** CERCLA 103 Reporting Guidance for Farms 10122017 .docx

---

**From:** Cooperstein, Sharon  
**Sent:** Friday, October 13, 2017 2:36 PM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: OMB escalation

Hi Bill,

Can you send me the version of the CERCLA guidance that went to OMB?

Thanks,

S

---

**From:** Noggle, William  
**Sent:** Friday, October 13, 2017 2:15 PM  
**To:** Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>  
**Cc:** Brooks, Becky <Brooks.Beky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Subject:** OMB escalation

Patrick, Sarah,

I just spoke with Jim Laity. He is escalating to his management that the CERCLA Q&As be included in interagency review, and we should target concluding interagency review on both the EPCRA and CERCLA Q&As by the end of next week.

How would you like to handle this?

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/6/2017 3:52:21 PM  
**To:** Hostage, Barbara [Hostage.Barbara@epa.gov]  
**Subject:** RE: Updated routine agricultural operations Q&A

Thanks. I'm not clear on what OP staff have been communicating up, so an email directly from Patrick should help.

---

**From:** Hostage, Barbara  
**Sent:** Friday, October 06, 2017 11:44 AM  
**To:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Cc:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: Updated routine agricultural operations Q&A

Who knows.

I will send Patrick an email and ask him to contact Samantha.

I am not sure I understand what Sarah & Nicole's reservations are below.

I explained to them that this was a Q&A on EPCRA, not a guidance.

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Cogliano, Gerain  
**Sent:** Friday, October 06, 2017 11:41 AM  
**To:** Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Subject:** Re: Updated routine agricultural operations Q&A

So an email from Patrick does not count? Has to be a call???

On Oct 6, 2017, at 10:36 AM, Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)> wrote:

Thanks for letting me know!

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933

Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Noggle, William  
**Sent:** Friday, October 06, 2017 11:35 AM  
**To:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Subject:** FW: Updated routine agricultural operations Q&A

fyi

---

**From:** Noggle, William  
**Sent:** Friday, October 06, 2017 11:35 AM  
**To:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

Thank you. Please keep us posted as you get your management to clear today. I owe you.

---

**From:** Jutras, Nathaniel  
**Sent:** Friday, October 06, 2017 11:33 AM  
**To:** Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

You weren't doing anything wrong as far I can see, but I fixed it and OP has accepted the package.

---

**From:** Noggle, William  
**Sent:** Friday, October 6, 2017 11:22 AM  
**To:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

Thank you. Attached is the doc with the new RIN in the title. I also added to ADP Tracker, but Tracker isn't giving me the option to route to OP. What am I doing wrong?

---

**From:** Jutras, Nathaniel  
**Sent:** Friday, October 06, 2017 10:56 AM  
**To:** Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

Great. Thank you, Caryn.

Bill here you go - 2050-ZA12

---

**From:** Muellerleile, Caryn  
**Sent:** Friday, October 6, 2017 10:49 AM  
**To:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

2050-ZA12

---

**From:** Jutras, Nathaniel  
**Sent:** Friday, October 06, 2017 10:43 AM  
**To:** Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>; Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Curry, Bridgid <[Curry.Bridgid@epa.gov](mailto:Curry.Bridgid@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

The SAN is 5484.1

---

**From:** Muellerleile, Caryn  
**Sent:** Friday, October 6, 2017 10:39 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Curry, Bridgid <[Curry.Bridgid@epa.gov](mailto:Curry.Bridgid@epa.gov)>  
**Cc:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

## Deliberative Process / Ex. 5

---

**From:** Rees, Sarah  
**Sent:** Friday, October 06, 2017 10:38 AM  
**To:** Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Curry, Bridgid <[Curry.Bridgid@epa.gov](mailto:Curry.Bridgid@epa.gov)>  
**Cc:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

On many levels this is bizarre. Bridgid and I are concerned that this is not going to accomplish what OLEM would like to do either. This certainly wasn't what I was expecting....

---

**From:** Owens, Nicole  
**Sent:** Friday, October 06, 2017 10:36 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>  
**Cc:** Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

You all should talk.

## Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

---

**From:** Rees, Sarah  
**Sent:** Friday, October 06, 2017 10:32 AM  
**To:** Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Cc:** Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A

I heard from Samantha this morning that she is checking on this – she is likely reaching out to Patrick and/or David F at OGC. But if Patrick doesn't hear from her soon he should reach out.

---

**From:** Noggle, William  
**Sent:** Friday, October 06, 2017 10:30 AM  
**To:** Rees, Sarah <[rees.sarah@epa.gov](mailto:rees.sarah@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Cc:** Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>  
**Subject:** RE: Updated routine agricultural operations Q&A



Sarah,  
Would it help in expediting OP approval, if we had Patrick Davis call over to Brittany and/or Samantha?

Thanks,  
Bill  
202-566-1306

---

**From:** Rees, Sarah  
**Sent:** Friday, October 06, 2017 8:51 AM  
**To:** Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Cc:** Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>; Jutras, Nathaniel <[Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Subject:** Re: Updated routine agricultural operations Q&A

Thanks Barbara - I've let Samantha and Brittany know this is coming. Haven't heard anything back yet but will keep on it.

Cheers,  
Sarah

On Oct 6, 2017, at 8:49 AM, Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)> wrote:

Good morning, Sarah & Nicole.  
Just wanted to let you know that The Q&A clarifying "routine agricultural operations" under EPCRA is attached and has been approved by Patrick Davis.  
Both David Fotouhi and Susan Bodine concur.  
Bill Noggle will be sending this to Nate shortly.  
As I mentioned yesterday, OMB has requested the Q&A for review as early today as possible in order to allow us to meet our 10/16 deadline for posting on the internet.  
Please let me know if you run into any delays.  
Thank you for your help on this!

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Davis, Patrick  
**Sent:** Thursday, October 05, 2017 5:44 PM  
**To:** Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>  
**Cc:** Michaud, John <[Michaud.John@epa.gov](mailto:Michaud.John@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Brooks, Becky <[Brooks.Bekky@epa.gov](mailto:Brooks.Bekky@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Hosford, Elizabeth (CIV) <[Elizabeth.Hosford@usdoj.gov](mailto:Elizabeth.Hosford@usdoj.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>  
**Subject:** Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis  
Environmental Protection Agency  
Deputy Associate Director, Office of Land and Emergency Management  
202-564-3103 office  
202-380-8341 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)> wrote:

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

## Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

<Routine Agricultural Operations -QA\_DRAFT 10-5-17.docx>

<Routine Agricultural Operations -QA\_DRAFT 10-5-17.docx>

Message

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**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/6/2017 2:27:01 PM  
**To:** Curry, Bridgid [Curry.Bridgid@epa.gov]; Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]; Jutras, Nathaniel [Jutras.Nathaniel@epa.gov]  
**Subject:** FW: Updated routine agricultural operations Q&A  
**Attachments:** EO12866\_EPCRA Ag Reporting\_No RIN\_FinalPolicy\_20171006.docx

Nate,

Attached is the version I'll add to ADP Tracker. I need a RIN. Let me know when you finish the SAN split. Sorry for all the emails from my office.

Thanks,  
Bill

---

**From:** Rees, Sarah  
**Sent:** Friday, October 06, 2017 8:51 AM  
**To:** Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Cc:** Owens, Nicole <Owens.Nicole@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Noggle, William <Noggle.William@epa.gov>  
**Subject:** Re: Updated routine agricultural operations Q&A

Thanks Barbara - I've let Samantha and Brittany know this is coming. Haven't heard anything back yet but will keep on it.

Cheers,  
Sarah

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Please let me know if you run into any delays.

Thank you for your help on this!

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Davis, Patrick

**Sent:** Thursday, October 05, 2017 5:44 PM

**To:** Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>

**Cc:** Michaud, John <[Michaud.John@epa.gov](mailto:Michaud.John@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Hosford, Elizabeth (CIV) <[Elizabeth.Hosford@usdoj.gov](mailto:Elizabeth.Hosford@usdoj.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>

**Subject:** Re: Updated routine agricultural operations Q&A

Susan and I reviewed this tonight. It is approved to move to OP to transmit to OMB.

Patrick Davis

Environmental Protection Agency

Deputy Associate Director, Office of Land and Emergency Management

202-564-3103 office

202-380-8341 cell

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Sent from my iPhone

On Oct 5, 2017, at 3:59 PM, Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)> wrote:

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

## Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

<Routine Agricultural Operations -QA\_DRAFT 10-5-17.docx>

<Routine Agricultural Operations -QA\_DRAFT 10-5-17.docx>

Message

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/5/2017 12:07:20 PM  
**To:** Principe, Vanessa [Principe.Vanessa@epa.gov]  
**CC:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Subject:** RE: OMB Briefing Materials for EPCRA CERCLA response to court vacatur

Thanks Vanessa. Patty, I'll make the change and send back to you for review.

---

**From:** Principe, Vanessa  
**Sent:** Thursday, October 05, 2017 7:45 AM  
**To:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Cc:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>  
**Subject:** Re: OMB Briefing Materials for EPCRA CERCLA response to court vacatur

# Deliberative Process / Ex. 5

Thanks, V

Sent from my iPhone

On Oct 4, 2017, at 4:01 PM, Cogliano, Gerain <Cogliano.Gerain@epa.gov> wrote:

No showstoppers; reviewed Joe's markup.

On Oct 4, 2017, at 2:32 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

Attached is a short slide deck to provide history on the CERCLA EPCRA rule that exempted reporting of emissions from animal wastes at farms. I also attached the FR notice of the final rule action from 2008.

Please elevate showstopper issues quickly.

Thanks!

---

Patty Gioffre  
USEPA (OLEM/OEM)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972

202-748-7139 (cell)

-----  
Follow OLEM on Twitter @EPALand

<CERCLA-EPCRA OMB Briefing 10-4-17.pptx>

<2008\_12\_18\_73FR76948\_CAFO FR.pdf>



Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/5/2017 12:05:17 PM  
**To:** Prins, Christopher [Prins.Christopher@epa.gov]  
**CC:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Subject:** Ag ppt  
**Attachments:** CERCLA-EPCRA OMB Briefing 10-5-17.pptx

Chris,  
I split slide 4, and added some info on common releases. Please review.

Patty,  
Not sure if the CRR looks like its on an island now.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thanks,  
Bill  
202-566-1306

# Update on CERCLA/EPCRA Administrative Reporting Exemption Rule

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OCTOBER 5, 2017



# CERCLA/EPCRA Administrative Reporting Exemption

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Final rule published December 18, 2008 and provided an exemption for the existing CERCLA 103 and EPCRA 304 reporting requirements to:

- All farms that release hazardous substances from animal waste to the air that meet or exceed their reportable quantities from reporting under CERCLA Section 103 and
- Farms that release hazardous substances from animal waste to the air that meet or exceed their RQ from reporting under EPCRA section 304 if they stable or confine fewer than the identified number of animal species (all but large CAFOs).



# CERCLA/EPCRA Administrative Reporting Exemption

---

- In 2009, environmentalist petitioned the D.C. Circuit court to review the exemption rule, arguing it violated CERCLA and EPCRA.
- Suit was stayed when EPA sought to resolve the litigation by agreeing to a voluntary remand of the rule without vacatur, while the agency gathered more data before creating mandatory reporting requirements for CAFOs
- In September 2015, the DC Circuit granted a motion by the environmentalist petitioners to recall the voluntary mandate of the rule without vacatur, triggering briefing on the legality of the 2008 rule.
- In December 2016, oral arguments were heard by the U.S. Court of Appeals for the DC Circuit.
- On April 11, 2017, the U.S. Court of Appeals for the DC Circuit vacated the 2008 rule for being neither a reasonable interpretation of statutory ambiguity nor a use of implied authority to create exceptions to statutory mandates.
- At EPA's request, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.



# CERCLA/EPCRA Administrative Reporting Exemption

---

What does this mean for farms which had the administrative reporting exemption?

- ✧ All farms will have to report releases of hazardous substances from animal waste to the air that meet or exceed their reportable quantities under CERCLA Section 103 and EPCRA Section 304.
- ✧ Ammonia and hydrogen sulfide are the most recognized hazardous substances that are emitted from animal waste. However, other hazardous substances, such as nitrogen oxide (NO) and certain volatile organic compounds (VOCs) may also be released from animal waste.
- ✧ These hazardous substances can be emitted when animal waste is contained in a lagoon or stored in under-floor manure pits in some animal housing, manure stockpiles, or where animals are stabled or confined.



# CERCLA/EPCRA Continuous Release Reporting

---

## Continuous Release Reporting Requirement

- \* If releases meet the definition of a continuous release under CERCLA, farms can submit continuous release reports under CERCLA and EPCRA.
- \* For continuous release reporting, to establish the continuity and stability of the release, farms may use:
  - \* Prior release data;
  - \* Knowledge of operating procedures; or
  - \* Best professional judgement.



# CERCLA/EPCRA Administrative Reporting Exemption

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To address court vacatur:

## CERCLA 103

- EPA is pointing farm owner/operators to existing requirements for estimating releases and reporting continuous releases

## EPCRA 304

- EPA is developing an interpretive policy Q&A to exempt farm owners/operators utilizing the "routine agricultural operations" exemption under the definition of hazardous chemical in EPCRA section 311



# CERCLA/EPCRA Administrative Reporting Exemption

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	Exemption (2008)*	Varatur (2017)**	Guidance (2017)**
<b>CERCLA 103</b>	All farms exempt	All farms now report	All farms report
<b>EPCRA 304</b>	All farms exempt except large CAFOs	All farms now report	All farms exempt
<b>Cost Savings:</b>	\$6.8 M	\$29 M (3%) \$25 M (7%)	\$1.3 M (3%) \$1.25 M (7%)

\* 2007 dollars

\*\* 2016 dollars



Message

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**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/6/2017 2:23:15 PM  
**To:** Hostage, Barbara [Hostage.Barbara@epa.gov]  
**Subject:** RE: Routine agricultural operations Q&A for OMB review

Yup, I have it. **Personal Matters / Ex. 6**. Thanks for sending forward. Nate is working on the Tracker and ROCIS piece.

---

**From:** Hostage, Barbara  
**Sent:** Friday, October 06, 2017 8:30 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** FW: Routine agricultural operations Q&A for OMB review

Hi, Bill.  
Do you have the email from Patrick/Susan approving this to go to OMB?  
We need to make sure this was approved to go.  
Have you sent it forward yet?  
If so, please cc me and Nicole and Sarah.  
Thank you!

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Gioffre, Patricia  
**Sent:** Friday, October 06, 2017 8:23 AM  
**To:** Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>  
**Cc:** Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>  
**Subject:** Routine agricultural operations Q&A for OMB review

EPCRA/CERCLA workgroup-  
Attached is the revised Q&A for the EPCRA 304 interpretation of routine agricultural operations. The logic of the argument on the Q&A is laid out in the email below.

Susan Bodine and Patrick Davis reviewed this last night and approved it to go to OP and OMB. I am sharing with the workgroup as an FYI.

Let me know if you have any questions.

-----  
Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

-----  
**From:** Lewis, Jen  
**Sent:** Thursday, October 05, 2017 3:59 PM  
**To:** Davis, Patrick <davis.patrick@epa.gov>  
**Cc:** Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>  
**Subject:** Updated routine agricultural operations Q&A

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

# Deliberative Process / Ex. 5

-----  
We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis  
Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office  
(202) 564-2097

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/12/2017 9:14:29 PM  
**To:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]  
**Subject:** RE: not sure how to tackle that one

Love it. Let it ride.

---

**From:** Gioffre, Patricia  
**Sent:** Thursday, October 12, 2017 4:41 PM  
**To:** Lewis, Jen <Lewis.Jen@epa.gov>; Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: not sure how to tackle that one

How about this link?

<https://www.epa.gov/epcra/reporting-requirements-continuous-releases-hazardous-substances-guide-facilities-compliance>

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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---

**From:** Lewis, Jen  
**Sent:** Thursday, October 12, 2017 4:23 PM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: not sure how to tackle that one

But doesn't that just link back to the main page? As in, a person goes to the CERCLA 103 guidance page, they click on a link to learn about EPCRA, and then this link would just bring them back to the original page?

In other news, I may need to drop off right at 4:30, but I think we've tackled the legal issues and I think Earl is probably staying on.

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

---

**From:** Gioffre, Patricia  
**Sent:** Thursday, October 12, 2017 4:20 PM  
**To:** Lewis, Jen <Lewis.Jen@epa.gov>; Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: not sure how to tackle that one

Perhaps we add a sentence at the end that points to existing guidance:

Under EPA's interpretation, a farm where substances are used in routine agricultural operations is not required to report a spill or release under EPCRA 304; however, farms are still required to report releases of CERCLA hazardous substances

under CERCLA 103 and EPA's implementing regulations 40 CFR 302. For more information, see <https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting>.

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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---

**From:** Lewis, Jen  
**Sent:** Thursday, October 12, 2017 4:14 PM  
**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Subject:** not sure how to tackle that one

Not sure how to tackle the CERCLA 103 thing they want to include. We won't need it since we'll have the guidance up....

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 9/27/2017 4:07:04 PM  
**To:** Boyle, Kathryn [Boyle.Kathryn@epa.gov]  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nope. Hasn't been added yet. On my short list.

---

**From:** Boyle, Kathryn  
**Sent:** Wednesday, September 27, 2017 11:58 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Bill --

Has this been added to Tracker – I just looked and could not find it and I am trying to enter into the spreadsheet for OMB.

Thanks

Kathryn

---

Kathryn Boyle  
Office of Regulatory Policy and Management  
Office of Policy  
Environmental Protection Agency  
202.564.8194  
[boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov)

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 11:00 AM  
**To:** Owens, Nicole <[Owens.Nicole@epa.gov](mailto:Owens.Nicole@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Griffiths, Charles <[Griffiths.Charles@epa.gov](mailto:Griffiths.Charles@epa.gov)>; Morgan, Cynthia <[Morgan.Cynthia@epa.gov](mailto:Morgan.Cynthia@epa.gov)>; Boyle, Kathryn <[Boyle.Kathryn@epa.gov](mailto:Boyle.Kathryn@epa.gov)>; Muellerleile, Caryn <[Muellerleile.Caryn@epa.gov](mailto:Muellerleile.Caryn@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nicole,  
Yes, the guidance will be done in FY18. Here is a short abstract:

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I'll let you know when it's added to Tracker.

Thanks,  
Bill  
202-566-1306

---

**From:** Owens, Nicole  
**Sent:** Tuesday, September 26, 2017 10:08 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Griffiths, Charles <Griffiths.Charles@epa.gov>; Morgan, Cynthia <Morgan.Cynthia@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Hi.

Since we'll be including this as one of our deregulatory actions, would you please also add to Tracker. IN the meantime, can you send a few sentence abstract and let us know when you plan to issue this? Fy 2018, right?

Charles or Cynthia may be following up about the cost savings estimate.

Nicole

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 6:53 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Subject:** FW: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nicole,  
Attached is the info requested on the CERCLA/EPCRA Reporting Guidance for Farms relating to the vacatur (the vacatur is SAN 5484). Please let us know if you need more info.

Thanks,  
Bill  
202-566-1306

---

**From:** Gioffre, Patricia  
**Sent:** Monday, September 25, 2017 4:20 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Bill-See attached. Let us know if you have any questions.

---

Patty Gioffre

US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

-----  
[Follow OLEM](#) on Twitter @EPALand

---

**From:** Noggle, William  
**Sent:** Monday, September 25, 2017 1:29 PM  
**To:** Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Joe, Sicy, Patty,  
How are you coming along with a cost savings estimate for the Ag guidance?

Thanks,  
Bill

---

**From:** Beaman, Joe  
**Sent:** Friday, September 22, 2017 2:50 PM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** Re: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Yes,

Last weeks numbers were for burden due to the vacatur for medium AFOs.

Joe

---

**From:** Jacob, Sicy  
**Sent:** Friday, September 22, 2017 1:59:05 PM  
**To:** Gioffre, Patricia; Noggle, William; Beaman, Joe  
**Cc:** Cogliano, Gerain; Jennings, Kim  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

# Deliberative Process / Ex. 5



## Deliberative Process / Ex. 5

*Sicy Jacob  
Chemical Engineer  
Regulations Implementation Division  
Office of Emergency Management  
U.S. EPA, MailCode 5104A  
1200 Pennsylvania Avenue, NW  
Washington DC 20004  
(202) 564-8019*

---

**From:** Gioffre, Patricia  
**Sent:** Friday, September 22, 2017 1:39 PM  
**To:** Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

OK Bill. We should be able to pull something together by Monday.

## Deliberative Process / Ex. 5

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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---

**From:** Noggle, William  
**Sent:** Friday, September 22, 2017 1:13 PM  
**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>  
**Cc:** Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>  
**Subject:** NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Patty,

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thanks,  
Bill  
202-566-1306

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/12/2017 2:46:04 PM  
**To:** Hostage, Barbara [Hostage.Barbara@epa.gov]  
**Subject:** RE: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns

Yup. Jen knows. She already send the entire CERCLA piece to DOJ for litigation review. Yes, Patrick wants the CERCLA piece posted on Monday.

---

**From:** Hostage, Barbara  
**Sent:** Thursday, October 12, 2017 10:39 AM  
**To:** Noggle, William <Noggle.William@epa.gov>  
**Subject:** FW: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns  
**Importance:** High

Thanks, Bill.

Have you let Jen know that Barry/Patrick are OK sending the whole CERCLA 103 material?  
If DOJ is OK, then is Barry/Patrick OK with posting on the web on Monday?

PS On a CERCLA 108(b) call until 11:00 am.

Barbara Hostage, Director  
Policy Analysis and Regulatory Management Staff (PARMS)  
Office of Program Management (OPM)  
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A  
Phone Number: 202-566-1933  
Fax Number: 202-566-1934  
Mail Code: 5103T

---

**From:** Noggle, William  
**Sent:** Thursday, October 12, 2017 10:31 AM  
**To:** Davis, Patrick <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Simon, Nigel <[Simon.Nigel@epa.gov](mailto:Simon.Nigel@epa.gov)>  
**Cc:** Brooks, Becky <[Brooks.Beky@epa.gov](mailto:Brooks.Beky@epa.gov)>; Hilosky, Nick <[Hilosky.Nick@epa.gov](mailto:Hilosky.Nick@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>  
**Subject:** FW: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns  
**Importance:** High

Patrick,  
Please hold off on calling Brittany/Samantha to expedite review of the EPCRA Q&A. OGC staff is meeting with David Fotouhi later this morning, when they will discuss if any additional review time, beyond Monday, would add value to the EPCRA Q&A. Sorry for the confusion.

Thanks,  
Bill  
202-566-1306

**From:** Gioffre, Patricia

**Sent:** Wednesday, October 11, 2017 12:35 PM

**To:** Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>

**Cc:** Indermark, Michele <Indermark.Michele@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>

**Subject:** EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns

**Importance:** High

Barry/Patrick-This is to alert you of the outcome from today's call with OMB and DOJ on the EPCRA section 304 interpretive Q&A.

# Deliberative Process / Ex. 5

OGC-Please feel free to add or correct anything I've characterized in this email.  
Please let me know if you have additional questions.

---

Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)



Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 9/29/2017 3:01:42 PM  
**To:** Cooperstein, Sharon [Cooperstein.Sharon@epa.gov]  
**Subject:** FW: Q&A on Routine Agricultural Operations under EPCRA 304  
**Attachments:** Routine Agricultural Operations -QA\_DRAFT 9-22-17 PD - TJS edits.docx

Here is the latest...

---

**From:** Sullivan, Tim  
**Sent:** Thursday, September 28, 2017 4:33 PM  
**To:** Davis, Patrick <davis.patrick@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>  
**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>  
**Subject:** RE: Q&A on Routine Agricultural Operations under EPCRA 304

All:

## Deliberative Process / Ex. 5

Thanks –

Tim

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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<http://www.epa.gov/compliance/complaints/index.html>

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---

**From:** Sullivan, Tim

**Sent:** Thursday, September 28, 2017 1:46 PM

**To:** Davis, Patrick <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Darwin, Veronica <[darwin.veronica@epa.gov](mailto:darwin.veronica@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Clark, Becki <[Clark.Beki@epa.gov](mailto:Clark.Beki@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>; Bosecker, Elizabeth <[Bosecker.Elizabeth@epa.gov](mailto:Bosecker.Elizabeth@epa.gov)>; Beaman, Joe <[Beaman.Joe@epa.gov](mailto:Beaman.Joe@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Tarrab, Alan <[tarrab.alan@epa.gov](mailto:tarrab.alan@epa.gov)>; Principe, Vanessa <[Principe.Vanessa@epa.gov](mailto:Principe.Vanessa@epa.gov)>; Swenson, Erik <[Swenson.Erik@epa.gov](mailto:Swenson.Erik@epa.gov)>; Michaud, John <[Michaud.John@epa.gov](mailto:Michaud.John@epa.gov)>; Lewis, Jen <[Lewis.Jen@epa.gov](mailto:Lewis.Jen@epa.gov)>; Indermark, Michele <[Indermark.Michele@epa.gov](mailto:Indermark.Michele@epa.gov)>; Cheatham, Reggie <[cheatham.reggie@epa.gov](mailto:cheatham.reggie@epa.gov)>; Salo, Earl <[Salo.Earl@epa.gov](mailto:Salo.Earl@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>

**Subject:** RE: Q&A on Routine Agricultural Operations under EPCRA 304

All:

Dean and I reviewed the document and added our comments to the attached draft. [I tried to save the edits/comments on the draft in the OneDrive system, but the system would not let me do so.]

Please contact us if you have any questions on our comments.

Thanks –

Tim

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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<http://www.epa.gov/compliance/complaints/index.html>

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---

**From:** Davis, Patrick

**Sent:** Tuesday, September 26, 2017 3:43 PM

**To:** Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>; Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>; Hostage, Barbara <[Hostage.Barbara@epa.gov](mailto:Hostage.Barbara@epa.gov)>; Noggle, William <[Noggle.William@epa.gov](mailto:Noggle.William@epa.gov)>; Cogliano, Gerain <[Cogliano.Gerain@epa.gov](mailto:Cogliano.Gerain@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>; Ziegel, Dean <[Ziegel.Dean@epa.gov](mailto:Ziegel.Dean@epa.gov)>; Darwin, Veronica <[darwin.veronica@epa.gov](mailto:darwin.veronica@epa.gov)>  
**Cc:** Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Clark, Becki <[Clark.Beki@epa.gov](mailto:Clark.Beki@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>;

Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

**Subject:** RE: Q&A on Routine Agricultural Operations under EPCRA 304

See my edits to EPCRA Q&A tracked on the attached.

Thanks,

Patrick Davis  
Environmental Protection Agency  
Deputy Assistant Administrator, Office of Land and Emergency Management  
202-564-3103 office  
202-380-8341 cell

Information sent to this email address may be subject to FOIA.

---

**From:** Gioffre, Patricia

**Sent:** Tuesday, September 26, 2017 4:20 PM

**To:** Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

**Cc:** Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

**Subject:** Q&A on Routine Agricultural Operations under EPCRA 304

**Importance:** High

Attached is a draft Q&A on EPA's interpretation of routine agricultural operations.

OGC is currently reviewing; however, I am sharing with others for feedback.

Given the timeframe we have to issue guidance (by 10/16/17), please respond with any questions/concerns at your earliest convenience.

Best wishes!

---

Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)



Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 10/11/2017 6:53:53 PM  
**To:** Hostage, Barbara [Hostage.Barbara@epa.gov]  
**Subject:** FW: EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns

**Importance:** High

Barbara,

The WG is looking to PARMS on if/how we share the CERCLA Qs&As with OMB. How do you want to handle? I'm guessing we'll want to ask Patrick? Also, did Patrick say he would call OP about expedited OMB review?

Thanks,

Bill

202-566-1306

---

**From:** Gioffre, Patricia  
**Sent:** Wednesday, October 11, 2017 12:35 PM  
**To:** Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>  
**Cc:** Indermark, Michele <Indermark.Michele@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>  
**Subject:** EPCRA section 304 - Summary of OMB/ DOJ call and elevating delay concerns  
**Importance:** High

Barry/Patrick-This is to alert you of the outcome from today's call with OMB and DOJ on the EPCRA section 304 interpretive Q&A.

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

OGC-Please feel free to add or correct anything I've characterized in this email.  
Please let me know if you have additional questions.

---

Patty Gioffre  
Acting Deputy Division Director  
USEPA (OLEM/OEM/RID)  
1200 Pennsylvania Ave. NW (5104A)  
Washington, DC 20460  
202-564-1972  
202-748-7139 (cell)

Message

---

**From:** Noggle, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=24084230D263442F84DACC362C096C11-WNOGGLE]  
**Sent:** 9/26/2017 10:55:51 AM  
**To:** Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]  
**Subject:** FW: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance  
**Attachments:** Benefits Analysis for Guidance for EPCRA 304 reporting 092517.docx

Caryn,  
Meant to send the email below to you as well... I hit send too quickly. Please let me know if you need more info.

Thanks,  
Bill  
202-566-1306

---

**From:** Noggle, William  
**Sent:** Tuesday, September 26, 2017 6:53 AM  
**To:** Owens, Nicole <Owens.Nicole@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>  
**Subject:** FW: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Nicole,  
Attached is the info requested on the CERCLA/EPCRA Reporting Guidance for Farms relating to the vacatur (the vacatur is SAN 5484). Please let us know if you need more info.

Thanks,  
Bill  
202-566-1306

---

**From:** Gioffre, Patricia  
**Sent:** Monday, September 25, 2017 4:20 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Bill-See attached. Let us know if you have any questions.

-----  
Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)  
-----

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**From:** Noggle, William  
**Sent:** Monday, September 25, 2017 1:29 PM  
**To:** Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia

<Gioffre.Patricia@epa.gov>

Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Joe, Sicy, Patty,

How are you coming along with a cost savings estimate for the Ag guidance?

Thanks,

Bill

---

From: Beaman, Joe

Sent: Friday, September 22, 2017 2:50 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>

Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: Re: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Yes,

Last weeks numbers were for burden due to the vacatur for medium AFOs.

Joe

---

From: Jacob, Sicy

Sent: Friday, September 22, 2017 1:59:05 PM

To: Gioffre, Patricia; Noggle, William; Beaman, Joe

Cc: Cogliano, Gerain; Jennings, Kim

Subject: RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Hmmm....I don't think we had any burden/cost analysis done separately for EPCRA compliance/exempted farms in the economic analysis.

Let me check.

Bill: The information that Joe gave you last week was burden that would be incurred due to the vacatur. Right? I was just looking at the chart and the title of each column has "cost(savings)".

Anyway, let me see what we can come up with for Section 304 exemption – savings. thanks

---

**Sicy Jacob**  
**Chemical Engineer**  
**Regulations Implementation Division**  
**Office of Emergency Management**  
**U.S. EPA, MailCode 5104A**  
**1200 Pennsylvania Avenue, NW**

**Washington DC 20004**  
**(202) 564-8019**

---

**From:** Gioffre, Patricia  
**Sent:** Friday, September 22, 2017 1:39 PM  
**To:** Noggle, William <Noggle.William@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>  
**Subject:** RE: NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

OK Bill. We should be able to pull something together by Monday.

Sicy- Can you start working on the narrative for this and then we can discuss on Monday with Kim/Joe to determine how to characterize cost savings. I don't expect any cost/benefits for the CERCLA part of the effort, but our interpretation for EPCRA 304 reporting would result in a cost savings.

---

Patty Gioffre  
US EPA/OLEM/OEM  
202-564-1972  
202-748-7139 (cell)

---

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**From:** Noggle, William  
**Sent:** Friday, September 22, 2017 1:13 PM  
**To:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>  
**Cc:** Cogliano, Gerain <Cogliano.Gerain@epa.gov>  
**Subject:** NEEDED MONDAY - CERCLA/EPCRA Ag Guidance

Patty,  
OP would like to include the CERCLA/EPCRA guidance (or Qs&As) in with the Agency's deregulatory efforts for FY 2018. They want the following information: title, 3-4 sentences of abstract, and FY 2018 cost savings data (same fields that Joe pulled together for the vacatur – see below). They need by Monday at the latest.

The website itself won't be significant under EO 12866 but likely the Q&A (or policy memo / guidance) that you're preparing, OMB will want to see. We will need to provide draft doc to OP for them to review and discuss with OMB. No rush; whenever a version is ready (We know it needs to go through a variety of reviews internally first.)

Cost Savings data fields requested by OP:

<u>Primary Annualized Cost (Savings) Estimate at 7 percent, 2016\$</u>	<u>Primary Annualized Cost (Savings) Estimate at 3 percent, 2016\$</u>	<u>Low Range Annualized Cost (Savings) Estimate at 7 percent, 2016\$</u>	<u>Low Range Annualized Cost (Savings) Estimate at 3 percent, 2016\$</u>	<u>High Range Annualized Cost (Savings) Estimate at 7 percent, 2016\$</u>	<u>High Range Annualized Cost (Savings) Estimate at 3 percent, 2016\$</u>	<u>Length of Time that Costs or Cost Savings Occur (in years)</u>
------------------------------------------------------------------------	------------------------------------------------------------------------	--------------------------------------------------------------------------	--------------------------------------------------------------------------	---------------------------------------------------------------------------	---------------------------------------------------------------------------	-------------------------------------------------------------------

Thanks,

Bill  
202-566-1306

Message

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**From:** ODea, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ODEA, ELISE]  
**Sent:** 12/5/2017 9:40:04 PM  
**To:** Lewis, Jen [Lewis.Jen@epa.gov]  
**Subject:** RE: incoming earthjustice

Great, thanks Jen!

Elise

--

Elise M. O'Dea  
Solid Waste & Emergency Response Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201

---

**From:** Lewis, Jen  
**Sent:** Tuesday, December 05, 2017 4:17 PM  
**To:** ODea, Elise <odea.elise@epa.gov>  
**Subject:** FW: incoming earthjustice

The link below has public comments on our preliminary EPCRA interpretation. The preliminary interpretation is the basis for our rulemaking, so you should familiarize yourself with them. Specifically, the Earthjustice and Don't Waste Arizona are probably the most relevant.

Jen Lewis  
Deputy Associate General Counsel  
Solid Waste and Emergency Response Law Office  
(202) 564-2097

---

**From:** Jennings, Kim  
**Sent:** Tuesday, December 05, 2017 8:52 AM  
**To:** Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>  
**Cc:** Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>  
**Subject:** FW: incoming earthjustice

Hi Jen, Erik, and John,

Just wanted to give you a heads up on comments we have received on the EPCRA "routine agriculture operations" exemption. This may give some insight on potential upcoming litigation from environmental groups.

Thanks,  
Kim

Kim Jennings

Division Director || Regulations Implementation Division  
U.S. Environmental Protection Agency || Office of Emergency Management  
E-mail: [jennings.kim@epa.gov](mailto:jennings.kim@epa.gov) || Desk: (202) 564-7998 ||

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**From:** Franklin, Kathy  
**Sent:** Friday, December 01, 2017 2:46 PM  
**To:** Indermark, Michele <[Indermark.Michele@epa.gov](mailto:Indermark.Michele@epa.gov)>; Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>  
**Subject:** RE: incoming earthjustice

We did receive both sets of Earthjustice's comments:

One set sent on behalf over 60 groups and individuals is 6 pages and opposes EPA's interim guidance which exempts animal feeding operations (AFOs) from EPCRA release reporting requirements.

The second set of comments sent on behalf of six organizations has 13 pages of comment opposing EPA's interim guidance on EPCRA release reporting. These comments came with almost 2000 pages of other documents, many of them previous comments submitted on the 2008 EPA rule that exempted some AFOs from CERCLA and EPCRA reporting, along with various technical documents on emissions from AFOs including health effects.

Given that similar arguments are being made against the interim EPCRA guidance in the ongoing court case and EPA intends to conduct a rulemaking on the interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements, we would not be formally responding back to comments received on the interim guidance. Unless someone else thinks otherwise. However, we are using the comments we have received to develop QAs on the interim guidance.

I recently made the comments we have received available on Sharepoint and the CERCLA/EPCRA release reporting workgroup is reviewing them.

[https://usepa.sharepoint.com/sites/OLEM\\_Work/cercla\\_epcra/Shared%20Documents/Public%20comments%20CERCLA%20EPCRA%20animal%20waste%20guidance?csf=1&e=9e0ae7ac84524b24847332aec2729c9c](https://usepa.sharepoint.com/sites/OLEM_Work/cercla_epcra/Shared%20Documents/Public%20comments%20CERCLA%20EPCRA%20animal%20waste%20guidance?csf=1&e=9e0ae7ac84524b24847332aec2729c9c)

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

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**From:** Indermark, Michele  
**Sent:** Friday, December 01, 2017 2:14 PM  
**To:** Jacob, Sicy <[Jacob.Sicy@epa.gov](mailto:Jacob.Sicy@epa.gov)>; Jennings, Kim <[Jennings.Kim@epa.gov](mailto:Jennings.Kim@epa.gov)>; Gioffre, Patricia <[Gioffre.Patricia@epa.gov](mailto:Gioffre.Patricia@epa.gov)>; Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>  
**Subject:** FW: incoming earthjustice

FYSA – this is incoming via CMS. Can you let me know how you are handling comments? Will there be a formal "response to comments?"

Michele Indermark  
OLEM/OEM  
Special Assistant  
(w) 202-564-0794



---

**From:** Brooks, Becky

**Sent:** Friday, December 01, 2017 2:05 PM

**To:** McLendon, Wanda <[McLendon.Wanda@epa.gov](mailto:McLendon.Wanda@epa.gov)>; London, Bernadine <[London.Bernadine@epa.gov](mailto:London.Bernadine@epa.gov)>

**Cc:** Indermark, Michele <[Indermark.Michele@epa.gov](mailto:Indermark.Michele@epa.gov)>

**Subject:** FW: incoming earthjustice

Please control this in CMS to OEM. No action required unless OEM did not receive the comments. I have provided a copy of this letter to Barry. The original is in your box. Thanks. Becky

*Becky Brooks*

*Special Assistant*

*Office of Land and Emergency Management*

*U.S. Environmental Protection Agency*

*ph. 202-566-2762*

**From:** [DC-WJCW-3146-M@epa.gov](mailto:DC-WJCW-3146-M@epa.gov) [<mailto:DC-WJCW-3146-M@epa.gov>]

**Sent:** Friday, December 01, 2017 2:02 PM

**To:** Brooks, Becky <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)>

**Subject:** incoming earthjustice

Message

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**From:** Sicy Jacob [sicyjacob1@yahoo.com]  
**Sent:** 4/3/2018 9:12:43 PM  
**To:** ODea, Elise [odea.elise@epa.gov]  
**Subject:** Section 304(a)(1)

Two criteria must be met - types of releases subject to 304 notification.  
From a facility that produce, use or store AND such release requires notification.  
Under the FARM act air emissions do not need to be reported. So one of the criteria in 304(a)(1) doesn't apply in order to be subject to 304.

Sent from my iPhone

Message

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**From:** Franklin, Kathy [Franklin.Kathy@epa.gov]  
**Sent:** 3/8/2018 5:24:58 PM  
**To:** ODea, Elise [odea.elise@epa.gov]  
**Subject:** RE: redacting personal info in comments from farms before docketing

I have only entered a few comments into FDMS that specifically supported the issues we cited in the preamble. I will be leaving at 1:30 pm today to go to a moot court on the RMP Delay rule litigation that is scheduled to run from 2-4 pm, so I won't have email access until after that. I don't have an EPA phone. Kim is working at home and is supposed to call-in to the moot court. Patty is here today and is calling in to moot court. I plan on working late tonight- I am also grappling with last minute issues with getting our proposed RMP reconsideration rule package to OMB.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: franklin.kathy@epa.gov

---

**From:** ODea, Elise  
**Sent:** Thursday, March 08, 2018 12:19 PM  
**To:** Franklin, Kathy <Franklin.Kathy@epa.gov>  
**Subject:** RE: redacting personal info in comments from farms before docketing

Thanks, Kathy! I am still running this issue down with our APA folks. It's looking like they may suggest that we include all of the comments in the docket so that it doesn't look like we are cherry picking only those comments that support the rule. If you haven't started adding the guidance comments to the docket, please feel free to hold off until I get a more definitive answer about these issues on our end. Thanks!

Elise

--

Elise M. O'Dea  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201

---

**From:** Franklin, Kathy  
**Sent:** Thursday, March 08, 2018 12:12 PM  
**To:** ODea, Elise <[odea.elise@epa.gov](mailto:odea.elise@epa.gov)>  
**Subject:** FW: redacting personal info in comments from farms before docketing

Attached is another comment on the CERCLA guidance with a disclaimer that I would like to put into the docket, but not critical. From Enviro-Ag Engineering.

I have looked at all the other comments and there is another one from Univ of Nebraska that I would like to include in the docket.

As far as the individuals who provided comments, none of them provided specific comments on the CERCLA guidance, most were complaints about farms and reports of bad effects suffered.

Of the enviro or public interest groups, most of them were focused on opposition to our EPCRA exemption interpretation . However, three did also include comments specific to the items on the continuous release reporting forms and types of emissions occurring at farms, their sources and variations, so I see that as pertaining to the CERCLA guidance, CERCLA reporting and trying to estimate or characterize emissions from farms, so I would include them in the docket. Although they also have a lot to say in opposition to the EPCRA exemption. Those three commenters are Don't Waste Arizona, Food and Water Watch, and Waterkeepers Chesapeake. No issues with disclaimers or reporting personal address, phone or email addresses.

The other three enviro commenters who only discuss the EPCRA exemption, I will not put into the docket: Those are EarthJustice and Earthjustice signers add on, Iowa Chapter of Sierra Club, and Johns Hopkins Bloomberg School of Health.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

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**From:** Franklin, Kathy  
**Sent:** Thursday, March 08, 2018 11:38 AM  
**To:** ODea, Elise <[odea.elise@epa.gov](mailto:odea.elise@epa.gov)>  
**Subject:** RE: redacting personal info in comments from farms before docketing

So another comment I would like to put into the docket is attached but it has disclaimer language on the 2<sup>nd</sup> page:

This email message is intended only for the addressee(s) and contain information that may be confidential and/or copyrighted. If you are not the intended recipient, please notify the sender by reply email and immediately delete this email. Use, disclosure or reproduction of this email by anyone other than the intended recipient(s) is strictly prohibited. No representation is made that this email or any attachments are free of viruses. Virus scanning is recommended and is the responsibility of the recipient.

So I guess we should not include this comment into the docket because of the disclaimer? This is not one of the more important emails that address the specific topics on guidance that we mentioned in the preamble, but it does address other reporting issues.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

---

**From:** ODea, Elise  
**Sent:** Wednesday, March 07, 2018 5:37 PM  
**To:** Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>  
**Subject:** RE: redacting personal info in comments from farms before docketing

Hi Kathy,

Great question—let me check with our APA folks about whether we can redact the personal information from these comments prior to placing them in the docket. I'll get back to you as soon as possible.

Thanks so much,

Elise

--

Elise M. O'Dea  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201

---

**From:** Franklin, Kathy  
**Sent:** Wednesday, March 07, 2018 5:16 PM  
**To:** ODea, Elise <[odea.elise@epa.gov](mailto:odea.elise@epa.gov)>  
**Subject:** redacting personal info in comments from farms before docketing

Elise: I wanted to make sure if I was submitting any comments we got on the CERCLA/EPCRA guidance that were from farmers, that I don't put their addresses and phone numbers. Also, if they have what could be personal email addresses, maybe those should be protected? Right now, there are seven comments I want to get in the docket that directly address issues we have in the preamble. Most of these are from associations and a university and don't contain any personal contact information. There are two that I wonder if we need to redact information before we put them into the docket. I attach them.

One, from Ray Hilburn at Alabama Poultry and Egg has a cell phone number as well as the office number ( I think leaving the office phone is OK). Also, his comments start off with location information about his own family farm:

*I am a partner in a family poultry farm that is located in the city limits of Luverne, Alabama, and my son also has a poultry farm in the city limits also. Both farms are located within a mile of a school, hospital, and a retirement complex. We are also located next to a country club and golf course.*

Do you think some of this location information should be redacted?

A second is from Julie McCabe, individual cattle producer. I wonder if we should redact her email address, which could be a personal email address.

If I have time, I would like to get the other comments relevant to the CERCLA reporting guidance into the docket, but I have not yet specifically decided which ones should be docketed.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

Message

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**From:** Franklin, Kathy [Franklin.Kathy@epa.gov]  
**Sent:** 3/8/2018 5:12:18 PM  
**To:** ODea, Elise [odea.elise@epa.gov]  
**Subject:** FW: redacting personal info in comments from farms before docketing  
**Attachments:** Delmarva Poultry Industry 11-14-17 Bill Satterfield.pdf; Enviro-Ag Engineering 11-6-17 Steven Pratt.pdf

Attached is another comment on the CERCLA guidance with a disclaimer that I would like to put into the docket, but not critical. From Enviro-Ag Engineering.

I have looked at all the other comments and there is another one from Univ of Nebraska that I would like to include in the docket.

As far as the individuals who provided comments, none of them provided specific comments on the CERCLA guidance, most were complaints about farms and reports of bad effects suffered.

Of the enviro or public interest groups, most of them were focused on opposition to our EPCRA exemption interpretation. However, three did also include comments specific to the items on the continuous release reporting forms and types of emissions occurring at farms, their sources and variations, so I see that as pertaining to the CERCLA guidance, CERCLA reporting and trying to estimate or characterize emissions from farms, so I would include them in the docket. Although they also have a lot to say in opposition to the EPCRA exemption. Those three commenters are Don't Waste Arizona, Food and Water Watch, and Waterkeepers Chesapeake. No issues with disclaimers or reporting personal address, phone or email addresses.

The other three enviro commenters who only discuss the EPCRA exemption, I will not put into the docket: Those are EarthJustice and Earthjustice signers add on, Iowa Chapter of Sierra Club, and Johns Hopkins Bloomberg School of Health.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: franklin.kathy@epa.gov

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**From:** Franklin, Kathy  
**Sent:** Thursday, March 08, 2018 11:38 AM  
**To:** ODea, Elise <odea.elise@epa.gov>  
**Subject:** RE: redacting personal info in comments from farms before docketing

So another comment I would like to put into the docket is attached but it has disclaimer language on the 2<sup>nd</sup> page:

This email message is intended only for the addressee(s) and contain information that may be confidential and/or copyrighted. If you are not the intended recipient, please notify the sender by reply email and immediately delete this email. Use, disclosure or reproduction of this email by anyone other than the intended recipient(s) is strictly prohibited. No representation is made that this email or any attachments are free of viruses. Virus scanning is recommended and is the responsibility of the recipient.

So I guess we should not include this comment into the docket because of the disclaimer? This is not one of the more important emails that address the specific topics on guidance that we mentioned in the preamble, but it does address other reporting issues.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

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**From:** ODea, Elise  
**Sent:** Wednesday, March 07, 2018 5:37 PM  
**To:** Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>  
**Subject:** RE: redacting personal info in comments from farms before docketing

Hi Kathy,

Great question—let me check with our APA folks about whether we can redact the personal information from these comments prior to placing them in the docket. I'll get back to you as soon as possible.

Thanks so much,  
Elise

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Elise M. O'Dea  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201

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**From:** Franklin, Kathy  
**Sent:** Wednesday, March 07, 2018 5:16 PM  
**To:** ODea, Elise <[odea.elise@epa.gov](mailto:odea.elise@epa.gov)>  
**Subject:** redacting personal info in comments from farms before docketing

Elise: I wanted to make sure if I was submitting any comments we got on the CERCLA/EPCRA guidance that were from farmers, that I don't put their addresses and phone numbers. Also, if they have what could be personal email addresses, maybe those should be protected? Right now, there are seven comments I want to get in the docket that directly address issues we have in the preamble. Most of these are from associations and a university and don't contain any personal contact information. There are two that I wonder if we need to redact information before we put them into the docket. I attach them.

One, from **Personal Address / Ex. 6** has a cell phone number as well as the office number ( I think leaving the office phone is OK). Also, his comments start off with location information about his own family farm:

*I am a partner in a family poultry farm that is located in the city limits of **Personal Address / Ex. 6** and my son also has a poultry farm in the city limits also. Both farms are located within a mile of a school, hospital, and a retirement complex. We are also located next to a country club and golf course.*

Do you think some of this location information should be redacted?

A second is from Julie McCabe, individual cattle producer. I wonder if we should redact her email address, which could be a personal email address.

If I have time, I would like to get the other comments relevant to the CERCLA reporting guidance into the docket, but I have not yet specifically decided which ones should be docketed.

Kathy Franklin  
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1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)



Message

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**From:** Franklin, Kathy [Franklin.Kathy@epa.gov]  
**Sent:** 3/7/2018 8:48:13 PM  
**To:** ODea, Elise [odea.elise@epa.gov]  
**Subject:** RE: Proposed RQ Rule - Specific Comments

Thanks, I missed that declaration. And it did not think about the extension order.

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: franklin.kathy@epa.gov

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**From:** ODea, Elise  
**Sent:** Wednesday, March 07, 2018 3:42 PM  
**To:** Franklin, Kathy <Franklin.Kathy@epa.gov>  
**Subject:** RE: Proposed RQ Rule - Specific Comments

Good question. I've attached another declaration that we cite to in the preamble, as well as the court's order staying the mandate until May 1, 2018. Thank you, Kathy!

Elise

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Elise M. O'Dea  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201

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**From:** Franklin, Kathy  
**Sent:** Wednesday, March 07, 2018 3:25 PM  
**To:** ODea, Elise <odea.elise@epa.gov>  
**Subject:** RE: Proposed RQ Rule - Specific Comments

Thanks. Regarding the Waterkeeper case, I have the April 2017 court decision, the respondents brief, and the Declaration from Dana Tulis going into the docket. Are there any other court documents that need to go into the docket to support our rule?

Kathy Franklin  
USEPA, Office of Emergency Management  
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A  
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)  
Phone: 202-564-7987  
Email: [franklin.kathy@epa.gov](mailto:franklin.kathy@epa.gov)

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**From:** ODea, Elise  
**Sent:** Wednesday, March 07, 2018 3:13 PM  
**To:** Franklin, Kathy <[Franklin.Kathy@epa.gov](mailto:Franklin.Kathy@epa.gov)>  
**Subject:** Proposed RQ Rule - Specific Comments

Hi Kathy,

I pulled the information, below, from one of our *Waterkeeper* briefs, which cite to specific comments we received on the Poultry Petition and on the 2008 final rule.

- **Poultry Petition:** EPA received approximately 25 comments from state and local response and planning agencies. These agencies supported granting the Poultry Petition and generally gave three reasons: (a) that they were already aware of animal feeding operations in their jurisdictions; (b) that they were concerned that receiving and processing notifications from poultry operations would divert resources from legitimate emergencies; and (c) that they would not conduct an emergency response action upon notification of a release of ammonia into the air from poultry waste. *Id.*; see, e.g., **Letter from Carolyn O'Hare, Chairperson, Local Emergency Planning Comm., Leesport, Pa., to Lynn Beasley, EPA (Mar. 15, 2006)**; **Letter from Peter Connet, Chairman, Local Emergency Planning Comm., Johnston County, N.C., to Lynn Beasley, EPA (Mar. 17, 2006)**. One state emergency response commission noted that it had received no reports of endangerment from ammonia from poultry farms in the prior 15 years, and estimated that processing regular notifications from the approximately 4000 poultry operations in the State would require 20 "man-years effort" from State personnel, plus additional time for local response agencies. See **Letter from Carol Couch, Comm'r, Ga. State Emergency Response Comm'n, to Lynn Beasley, EPA (Mar. 30, 2006)**. Another agency explained that CERCLA and EPCRA reports are unnecessary, because the Agency already required animal feeding operations to have permits under the Clean Air Act, the Clean Water Act, and state laws designed to protect human health and the environment. See **Letter from Charles Chisolm, Executive Director, Miss. Dep't of Env'tl. Quality, to EPA Superfund Docket (Mar. 14, 2006)**.
- **2008 Final Rule:**
  - Even though the Proposed Rule would exempt a larger range of farms, not just poultry operations, comments from state and local response agencies continued to affirm EPA's conclusion that they were not likely to respond to a release from animal waste at farms. See, e.g., **Letter from J. Allen Metheny, Sr., Chairperson for Local Emergency Planning Comm., Kent County, Del., to Lynn Beasley, EPA (Mar. 14, 2008)**; **Comment of Edye Rowell, Chairman, N. Central Fla. Local Emergency Planning Comm. (Feb. 15, 2008)** (noting that prior EPCRA section 304 report of ammonia release from a chicken farm was not "useful" to the Committee).
  - The record also shows that state and local agencies are unlikely to respond to such releases, because they are aware of the ongoing releases from farms in their jurisdiction, they had not received complaints about adverse health effects from such releases, and they did not believe a response would be effective at correcting the emissions. See, e.g., **Letter from J. Allen Metheny, Sr., Chairperson for Local Emergency Planning Comm., Kent County, Del., to Lynn Beasley, EPA (Mar. 14, 2008)**; **Comment of Edye Rowell, Chairman, N. Central Fla. Local Emergency Planning Comm. (Feb. 15, 2008)**; **Letter from Carol Couch, Comm'r, Ga. State Emergency Response Comm'n, to Lynn Beasley, EPA (Mar. 30, 2006)**; **Letter from Peter Connet, Chairman, Local Emergency Planning Comm., Johnston County, N.C., to Lynn Beasley, EPA (Mar. 17, 2006)**; **Letter from Carolyn O'Hare, Chairperson, Local Emergency Planning Comm., Leesport, Pa., to Lynn Beasley, EPA (Mar. 15, 2006)**.

Thanks!  
Elise

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*Elise M. O'Dea*

Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4201  
[odea.elise@epa.gov](mailto:odea.elise@epa.gov)

Message

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**From:** Peak, Nicholas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=929DF8C22E554FB89F9B0850729E1A51-PEAK, NICHOLAS]  
**Sent:** 1/17/2018 6:37:33 PM  
**To:** Burke, Alison [Burke.Alison@epa.gov]  
**Subject:** RE: The Weekly

I would say both... Hot Topic this week and Upcoming. I forgot to mention that it was Ag Sector.

Nick Peak  
Agriculture Advisor  
EPA, Region 10  
208-378-5765

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**From:** Burke, Alison  
**Sent:** Wednesday, January 17, 2018 11:34 AM  
**To:** Peak, Nicholas <Peak.Nicholas@epa.gov>  
**Subject:** RE: The Weekly

Upcoming? Do you mean Hot Topic – Upcoming? Is there a date associated with it?

Does this fall under AG?

---

Alison Burke, Management Analyst  
360-753-8185

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**From:** Peak, Nicholas  
**Sent:** Wednesday, January 17, 2018 10:28 AM  
**To:** Burke, Alison <Burke.Alison@epa.gov>; Wilcox, Michelle <wilcox.michelle@epa.gov>  
**Subject:** RE: The Weekly

Actually...

Hot Topic – This week and upcoming

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste) for guidance and access to the continuous release reporting forms
- Email comments or suggestions on guidance materials to: [CERCLA103.guidance@epa.gov](mailto:CERCLA103.guidance@epa.gov)
- Regional Contacts: [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)
- Call with questions: 1-800-424-9346

The factsheets are also available on the CERCLA/EPCRA website. A link is available at the top of the page: [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste) or you can link to the factsheets directly at <https://www.epa.gov/epcra/fact-sheet-cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal>.

Nick Peak  
Agriculture Advisor  
EPA, Region 10  
208-378-5765

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**From:** Burke, Alison  
**Sent:** Wednesday, January 17, 2018 11:22 AM  
**To:** Wilcox, Michelle <[wilcox.michelle@epa.gov](mailto:wilcox.michelle@epa.gov)>; Peak, Nicholas <[Peak.Nicholas@epa.gov](mailto:Peak.Nicholas@epa.gov)>  
**Subject:** FW: The Weekly  
**Importance:** High

Do either of you have anything for The Weekly? If you do, please send them to me **ASAP**. Please read the email below about The Weekly categories and if your entry falls under one of the Region's sector programs. THANKS!

---

Alison Burke, Management Analyst  
360-753-8185

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**From:** Burke, Alison  
**Sent:** Tuesday, January 16, 2018 2:15 PM  
**To:** Wilcox, Michelle <[wilcox.michelle@epa.gov](mailto:wilcox.michelle@epa.gov)>; Peak, Nicholas <[Peak.Nicholas@epa.gov](mailto:Peak.Nicholas@epa.gov)>  
**Cc:** Edmondson, Lucy <[edmondson.lucy@epa.gov](mailto:edmondson.lucy@epa.gov)>  
**Subject:** The Weekly  
**Importance:** High

Does anyone have anything that they need submitted to The Weekly? If you do, please send me the information to me by 9:00 am TOMORROW (January 17<sup>th</sup>). Be sure to indicate which category your submission falls under:

Hot Topics – THIS WEEK

Hot Topics – UPCOMING

Future External Events

Success Stories

If you're providing information that relates to one of the sector programs, be sure to type which program it is before the title. EXAMPLE: Agriculture Sector: Idaho Department of Environmental Quality (DEQ), Water Monitoring Technical Committee Meeting

The following are the 4 different sectors:

Agriculture  
Forest  
Mining  
Oil and Gas

Thank you!

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Alison Burke, Management Analyst

U.S. Environmental Protection Agency|Region 10|Washington Operations Office

ph: (360) 753-8185|fax: (360) 753-8080

[burke.alison@epa.gov](mailto:burke.alison@epa.gov)

Message

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**From:** Peak, Nicholas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=929DF8C22E554FB89F9B0850729E1A51-PEAK, NICHOLAS]  
**Sent:** 1/16/2018 10:25:20 PM  
**To:** jay@wastatedairy.com  
**Subject:** EPA factsheets on CERCLA-EPCRA reporting for animal waste  
**Attachments:** CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

Jay,

Please see the announcement below (and attached fact sheets) from EPA's Office of Emergency Management regarding CERCLA-EPCRA reporting for animal waste. Feel free to give me a call if you have any questions.

Thanks,  
-Nick

Nick Peak  
Agriculture Advisor  
EPA, Region 10  
208-378-5765

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

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- Email comments or suggestions on guidance materials to: [CERCLA103.guidance@epa.gov](mailto:CERCLA103.guidance@epa.gov)
- Regional Contacts: [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)
- Call with questions: 1-800-424-9346

## **Requisitos de reportes para emisiones al aire de sustancias peligrosas provenientes de desechos animales en las granjas conforme a CERCLA y EPCRA**

### **Generalidades**

Hay dos leyes ambientales, la Ley de Responsabilidad, Compensación y Respuesta Ambiental Comprensiva (CERCLA, por sus siglas en inglés) y la Ley de Planificación para Emergencias y Derecho a Saber de la Comunidad (EPCRA, por sus siglas en inglés) que exigen reportar emisiones de una sustancia peligrosa que exceda una cantidad reportable en un periodo de 24 horas. El propósito de la notificación es para que los funcionarios federales, estatales y locales evalúen la necesidad de una respuesta de emergencia a fin de mitigar los efectos de la emisión a la comunidad.

Debido a una decisión judicial reciente, pronto se les exigirá a algunas granjas (incluidos ranchos, operaciones ganaderas y/u operaciones animales) reportar las emisiones al aire de sustancias peligrosas provenientes de desechos animales según CERCLA.

### **¿Por qué debo reportar?**

Anteriormente, la EPA eximía a las granjas de reportar emisiones al aire de sustancias peligrosas provenientes de desechos animales según CERCLA, y solo las operaciones concentradas de gran envergadura para alimentar animales (CAFO, por sus siglas en inglés) estaban sujetas a reportes conforme a EPCRA, que es una ley separada pero relacionada.

Hubo grupos de ciudadanos que objetaron la validez de la regla de la EPA, y la Corte de Apelaciones de los EE. UU. correspondiente al Circuito DC anuló dicha regla de la EPA el 11 de abril de 2017. Por lo tanto, ya no es aplicable la exención reglamentaria de la EPA.

**A causa de la decisión judicial, se exigirá a las granjas con operaciones animales que emiten ciertas cantidades de sustancias peligrosas que reporten estas emisiones al aire incluso a partir del 22 de enero de 2018.**

### **¿Cuándo tengo que reportar?**

Se espera que se emita la orden judicial el 22 de enero de 2018. Las granjas no deben reportar hasta que se emita la orden judicial.

### **¿Debo presentar un informe de CERCLA?**

Se exige reportar cuando las emisiones de sustancias peligrosas (como amoníaco o sulfuro de hidrógeno) provenientes de desechos animales alcancen o excedan sus cantidades reportables dentro de un periodo de 24 horas. Para ver una lista completa de sustancias peligrosas conforme a CERCLA, consulte el enlace de Recursos en inglés en:

[www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).

### **¿Qué sustancias se deben reportar?**

El amoníaco (NH<sub>3</sub>) y el sulfuro de hidrógeno (H<sub>2</sub>S) son sustancias peligrosas comunes emitidas por los desechos animales que se exige reportar si se emiten al aire en cantidades que superen o igualen la cantidad reportable de 100 lbs dentro de un periodo de 24 horas. Si una granja emite cualquier otra sustancia peligrosa sobre sus cantidades reportables designadas dentro de un periodo de 24 horas, deben reportarse aquellas también.

### **¿Cómo estimo las emisiones?**

### **¿Por qué no puede la EPA decirme cuántos animales se requiere reportar?**

La EPA reconoce que será difícil para los agricultores estimar las emisiones porque no hay una metodología generalmente aceptada para estimar estas emisiones en este momento.

Hay muchos factores que influyen en las emisiones:

- ubicación geográfica;
- condiciones ambientales;
- prácticas administrativas (por ej, forraje, guano);
- características de los animales (por ej, número, especie, etapa de vida);
- condiciones operativas; y
- prácticas generales de gestión.

Debido a las interacciones complejas de estos factores, no pueden estandarizarse las emisiones basándose exclusivamente en el número y tipo de animales que haya en cada operación animal. Por ejemplo, hay muchas situaciones donde las operaciones con menos animales tienen mayores emisiones que las operaciones con mayor número de la misma especie animal.

La EPA está trabajando para desarrollar metodologías destinadas a estimar las emisiones de una amplia variedad de operaciones para así informar mejor sobre estimar emisiones provenientes de desechos animales. Sin embargo, no se terminará dicha labor antes del mandato judicial para que los agricultores reporten.

Enero 2018

Para asistir a los agricultores con los requisitos de reportar, la EPA ha puesto recursos a disposición en su sitio web que pueden ser útiles para estimar las emisiones. También puede usar otros modelos para estimar emisiones o puede estimar cantidades de emisiones basándose en:

- Datos anteriores de emisiones;
- Estimados de ingeniería;
- Su conocimiento de las operaciones de la instalación y el historial de emisiones; o
- Su óptimo criterio profesional.

Se exige a los propietarios y operadores de instalaciones reportar solo un estimado; no se requieren datos de monitoreo. Además, no se exige a los agricultores reducir las emisiones. Los agricultores deben conservar una copia de los cálculos para referencia futura. Para obtener más información, vea el enlace de Recursos en:

[www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).

### ¿Cómo reporto según CERCLA?

Para cumplir con los requisitos de reportes de CERCLA en cuanto a emisiones al aire de sustancias peligrosas provenientes de desechos animales, en vez de reportar todos los días, las granjas pueden seguir un proceso simplificado de reportes que se conoce como “reportes de emisiones continuas”. Esto exige que el propietario u operador de la instalación siga los pasos descritos en la columna a la derecha.

### ¿Con qué frecuencia debo estimar las emisiones?

Si usted usa el proceso de reportes de emisiones continuas, debe revisar las emisiones de la granja una vez al año. También deberá estimar las emisiones después de que haya cambios considerables en las operaciones que puedan causar aumentos estadísticamente significativos en las emisiones.

### ¿Debo presentar un informe según EPCRA?

La EPA interpreta la ley como que excluye a las granjas que usan sustancias en “operaciones agrícolas de rutina” de los reportes según la sección 304 de la EPCRA. Esto abarca operaciones de rutina en las granjas, operaciones de alimentación de animales, criaderos de plantas, otras operaciones de horticultura y acuicultura. Para obtener más información, vea: [www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal](http://www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal).

### ¿Deben cumplir las granjas que tienen animales mantenidos principalmente fuera de una estructura cerrada y pastando en pastizales, con reportar emisiones de sustancias peligrosas provenientes de desechos animales conforme a CERCLA?

Sí, en caso de que la instalación tenga emisiones sobre la cantidad reportable. La EPA considera toda propiedad contigua con propietario común como instalación única para fines de reportar. Con el objeto de determinar si tiene una emisión reportable, una persona debe identificar todas las fuentes de emisiones de sustancias peligrosas, identificar las cantidades

### Proceso de reportes de emisiones continuas según CERCLA

**Paso 1:** Proporcione al Centro Nacional de Respuesta (National Response Center, NRC, por sus siglas en inglés) una notificación inicial de emisiones continuas por correo electrónico ([farms@uscg.mil](mailto:farms@uscg.mil)) o por teléfono (1-800-424-8802). Un propietario u operador puede enviar una notificación por correo electrónico abarcando múltiples granjas.

Su mensaje de correo electrónico debe identificar que esta es una notificación inicial de emisiones continuas e incluir:

- Nombre de la granja
- Ubicación de la granja (por ej., nombre de la ciudad/pueblo y estado)
- Nombre(s) de la(s) sustancia(s) peligrosa(s) emitida (s) (amoníaco y/o sulfuro de hidrógeno)

**Nota:** El NRC no exige información personalmente identificable, como la dirección de una residencia privada. Una ubicación genérica (nombre de la ciudad/pueblo y estado) puede ser suficiente.

Recibirá un mensaje de correo electrónico del NRC con un solo número de identificación (CR-ERNS) para su(s) granja(s). Incluya el número de CR-ERNS en el informe de seguimiento mencionado en el Paso 2.

**Paso 2:** Dentro de un plazo de 30 días de la notificación al NRC, presente una notificación inicial por escrito a la Oficina Regional de la EPA correspondiente al área donde ocurre la emisión (vea [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)). Use el Formulario de reportes de emisiones continuas.

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que se emiten de cada fuente y sumar las cantidades emitidas de la instalación. Al hacer esta determinación, las granjas deben incluir todas las emisiones de la instalación, incluso emisiones de desechos animales provenientes de animales que se mantienen principalmente fuera de una estructura cerrada.

### **Recursos adicionales**

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### **¿Tiene alguna pregunta?**

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## CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

### Overview

Two environmental laws, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA), require reporting releases of a hazardous substance that exceeds a reportable quantity within a 24-hour period. The purpose of the notification is for federal, state, and local officials to evaluate the need for an emergency response to mitigate the effects of the release to the community.

Due to a recent court decision, some farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under CERCLA.

### Why do I need to report?

Previously, EPA exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only large concentrated animal feeding operations (CAFOs) were subject to EPCRA reporting, which is a separate but related law.

Citizen groups challenged the validity of EPA's rule, and the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption no longer applies.

**As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions as early as January 22, 2018.**

### When do I need to report?

The Court is expected to issue its order on January 22, 2018. Farms do not have to report until the Court issues its mandate.

### Do I need to submit a CERCLA report?

Reporting is required when releases of hazardous substances (like ammonia or hydrogen sulfide) from animal waste meet or exceed their reportable quantities within a 24-hour period. For a complete list of CERCLA hazardous substances, please see the Resources link at: [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).

### What substances need to be reported?

Ammonia (NH<sub>3</sub>) and hydrogen sulfide (H<sub>2</sub>S) are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their reportable quantity of 100 lbs within a 24-hour period. If a farm releases any other hazardous substances above their designated reportable quantities within a 24-hour period, those need to be reported as well.

### How do I estimate releases?

To help you comply with the reporting requirements, EPA has made resources available on its website that may be helpful in estimating emissions. You may also use other models for estimating emissions or you may estimate quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

### Why Can't EPA Tell Me How Many Animals Require Reporting?

EPA recognizes it will be challenging for farmers to estimate releases because there is no generally accepted methodology for estimating these emissions at this time.

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- geographic location;
- environmental conditions;
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To comply with CERCLA reporting requirements for air releases of hazardous substances from animal waste, instead of reporting every day, farms may follow a streamlined reporting process known as “continuous release reporting.” This requires the facility owner or operator to follow the steps outlined in the column to the right.

## How often do I need to estimate emissions?

If you use the continuous release reporting process, you need to review emissions from the farm once a year. You’ll also need to estimate emissions following any significant changes in operations that may result in statistically significant increases in emissions.

## Do I need to submit an EPCRA report?

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## Do farms that have animals that reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA?

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## Additional Resources

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## Questions?

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## CERCLA Continuous Release Reporting Process

**Step 1:** Provide the National Response Center (NRC) with an initial continuous release notification by email ([farms@uscg.mil](mailto:farms@uscg.mil)) or by phone (1-800-424-8802). An owner or operator can send one email notification for multiple farms.

Your email should identify that this is an initial continuous release notification and include:

- Name of the farm
- Location of the farm (e.g., name of city/town and state)
- Name(s) of the hazardous substance(s) released (ammonia and/or hydrogen sulfide)

**Note:** The NRC does not require personally identifiable information, such as an address for a private residence. A generic location (name of city/town and state) may be sufficient.

You will receive an email from the NRC with a single identification number (CR-ERNS) for your farms(s). Include the CR-ERNS number on the follow-up report discussed in Step 2.

**Step 2:** Within 30 days of the NRC notification, submit an initial written notification to the EPA Regional Office for the area where the release occurs (see [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)). Use the Continuous Release Reporting Form.

**Step 3:** Submit a one-time first anniversary follow-up report to the EPA Regional Office.

If there are significant changes at your operation that could result in a change in emissions, additional reporting may be necessary.

Message

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**From:** Peak, Nicholas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=929DF8C22E554FB89F9B0850729E1A51-PEAK, NICHOLAS]  
**Sent:** 1/16/2018 10:22:48 PM  
**To:** Eller, James - NRCS, Boise, ID [James.Eller@id.usda.gov]; Sandoval, Bruce - NRCS, Boise, ID [Bruce.Sandoval@id.usda.gov]; Youngberg, Travis - NRCS, Boise, ID [Travis.Youngberg@id.usda.gov]  
**Subject:** EPA factsheets on CERCLA-EPCRA reporting for animal waste  
**Attachments:** CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

James, Bruce, and Travis,

Please see the announcement below (and attached fact sheets) from EPA's Office of Emergency Management regarding CERCLA-EPCRA reporting for animal waste. Feel free to give me a call if you have any questions.

Thanks,  
-Nick

Nick Peak  
Agriculture Advisor  
EPA, Region 10  
208-378-5765

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit [www.epa.gov/animalwaste](http://www.epa.gov/animalwaste) for guidance and access to the continuous release reporting forms (including new factsheet)
- Email comments or suggestions on guidance materials to: [CERCLA103.guidance@epa.gov](mailto:CERCLA103.guidance@epa.gov)
- Regional Contacts: [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)
- Call with questions: 1-800-424-9346

## **Requisitos de reportes para emisiones al aire de sustancias peligrosas provenientes de desechos animales en las granjas conforme a CERCLA y EPCRA**

### **Generalidades**

Hay dos leyes ambientales, la Ley de Responsabilidad, Compensación y Respuesta Ambiental Comprensiva (CERCLA, por sus siglas en inglés) y la Ley de Planificación para Emergencias y Derecho a Saber de la Comunidad (EPCRA, por sus siglas en inglés) que exigen reportar emisiones de una sustancia peligrosa que exceda una cantidad reportable en un periodo de 24 horas. El propósito de la notificación es para que los funcionarios federales, estatales y locales evalúen la necesidad de una respuesta de emergencia a fin de mitigar los efectos de la emisión a la comunidad.

Debido a una decisión judicial reciente, pronto se les exigirá a algunas granjas (incluidos ranchos, operaciones ganaderas y/u operaciones animales) reportar las emisiones al aire de sustancias peligrosas provenientes de desechos animales según CERCLA.

### **¿Por qué debo reportar?**

Anteriormente, la EPA eximía a las granjas de reportar emisiones al aire de sustancias peligrosas provenientes de desechos animales según CERCLA, y solo las operaciones concentradas de gran envergadura para alimentar animales (CAFO, por sus siglas en inglés) estaban sujetas a reportes conforme a EPCRA, que es una ley separada pero relacionada.

Hubo grupos de ciudadanos que objetaron la validez de la regla de la EPA, y la Corte de Apelaciones de los EE. UU. correspondiente al Circuito DC anuló dicha regla de la EPA el 11 de abril de 2017. Por lo tanto, ya no es aplicable la exención reglamentaria de la EPA.

**A causa de la decisión judicial, se exigirá a las granjas con operaciones animales que emiten ciertas cantidades de sustancias peligrosas que reporten estas emisiones al aire incluso a partir del 22 de enero de 2018.**

### **¿Cuándo tengo que reportar?**

Se espera que se emita la orden judicial el 22 de enero de 2018. Las granjas no deben reportar hasta que se emita la orden judicial.

### **¿Debo presentar un informe de CERCLA?**

Se exige reportar cuando las emisiones de sustancias peligrosas (como amoníaco o sulfuro de hidrógeno) provenientes de desechos animales alcancen o excedan sus cantidades reportables dentro de un periodo de 24 horas. Para ver una lista completa de sustancias peligrosas conforme a CERCLA, consulte el enlace de Recursos en inglés en:

[www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).

### **¿Qué sustancias se deben reportar?**

El amoníaco (NH<sub>3</sub>) y el sulfuro de hidrógeno (H<sub>2</sub>S) son sustancias peligrosas comunes emitidas por los desechos animales que se exige reportar si se emiten al aire en cantidades que superen o igualen la cantidad reportable de 100 lbs dentro de un periodo de 24 horas. Si una granja emite cualquier otra sustancia peligrosa sobre sus cantidades reportables designadas dentro de un periodo de 24 horas, deben reportarse aquellas también.

### **¿Cómo estimo las emisiones?**

### **¿Por qué no puede la EPA decirme cuántos animales se requiere reportar?**

La EPA reconoce que será difícil para los agricultores estimar las emisiones porque no hay una metodología generalmente aceptada para estimar estas emisiones en este momento.

Hay muchos factores que influyen en las emisiones:

- ubicación geográfica;
- condiciones ambientales;
- prácticas administrativas (por ej, forraje, guano);
- características de los animales (por ej. número, especie, etapa de vida);
- condiciones operativas; y
- prácticas generales de gestión.

Debido a las interacciones complejas de estos factores, no pueden estandarizarse las emisiones basándose exclusivamente en el número y tipo de animales que haya en cada operación animal. Por ejemplo, hay muchas situaciones donde las operaciones con menos animales tienen mayores emisiones que las operaciones con mayor número de la misma especie animal.

La EPA está trabajando para desarrollar metodologías destinadas a estimar las emisiones de una amplia variedad de operaciones para así informar mejor sobre estimar emisiones provenientes de desechos animales. Sin embargo, no se terminará dicha labor antes del mandato judicial para que los agricultores reporten.

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Para asistir a los agricultores con los requisitos de reportar, la EPA ha puesto recursos a disposición en su sitio web que pueden ser útiles para estimar las emisiones. También puede usar otros modelos para estimar emisiones o puede estimar cantidades de emisiones basándose en:

- Datos anteriores de emisiones;
- Estimados de ingeniería;
- Su conocimiento de las operaciones de la instalación y el historial de emisiones; o
- Su óptimo criterio profesional.

Se exige a los propietarios y operadores de instalaciones reportar solo un estimado; no se requieren datos de monitoreo. Además, no se exige a los agricultores reducir las emisiones. Los agricultores deben conservar una copia de los cálculos para referencia futura. Para obtener más información, vea el enlace de Recursos en:

[www.epa.gov/animalwaste](http://www.epa.gov/animalwaste).

### ¿Cómo reporto según CERCLA?

Para cumplir con los requisitos de reportes de CERCLA en cuanto a emisiones al aire de sustancias peligrosas provenientes de desechos animales, en vez de reportar todos los días, las granjas pueden seguir un proceso simplificado de reportes que se conoce como “reportes de emisiones continuas”. Esto exige que el propietario u operador de la instalación siga los pasos descritos en la columna a la derecha.

### ¿Con qué frecuencia debo estimar las emisiones?

Si usted usa el proceso de reportes de emisiones continuas, debe revisar las emisiones de la granja una vez al año. También deberá estimar las emisiones después de que haya cambios considerables en las operaciones que puedan causar aumentos estadísticamente significativos en las emisiones.

### ¿Debo presentar un informe según EPCRA?

La EPA interpreta la ley como que excluye a las granjas que usan sustancias en “operaciones agrícolas de rutina” de los reportes según la sección 304 de la EPCRA. Esto abarca operaciones de rutina en las granjas, operaciones de alimentación de animales, criaderos de plantas, otras operaciones de horticultura y acuicultura. Para obtener más información, vea: [www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal](http://www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal).

### ¿Deben cumplir las granjas que tienen animales mantenidos principalmente fuera de una estructura cerrada y pastando en pastizales, con reportar emisiones de sustancias peligrosas provenientes de desechos animales conforme a CERCLA?

Sí, en caso de que la instalación tenga emisiones sobre la cantidad reportable. La EPA considera toda propiedad contigua con propietario común como instalación única para fines de reportar. Con el objeto de determinar si tiene una emisión reportable, una persona debe identificar todas las fuentes de emisiones de sustancias peligrosas, identificar las cantidades

### Proceso de reportes de emisiones continuas según CERCLA

**Paso 1:** Proporcione al Centro Nacional de Respuesta (National Response Center, NRC, por sus siglas en inglés) una notificación inicial de emisiones continuas por correo electrónico ([farms@uscg.mil](mailto:farms@uscg.mil)) o por teléfono (1-800-424-8802). Un propietario u operador puede enviar una notificación por correo electrónico abarcando múltiples granjas.

Su mensaje de correo electrónico debe identificar que esta es una notificación inicial de emisiones continuas e incluir:

- Nombre de la granja
- Ubicación de la granja (por ej., nombre de la ciudad/pueblo y estado)
- Nombre(s) de la(s) sustancia(s) peligrosa(s) emitida (s) (amoníaco y/o sulfuro de hidrógeno)

**Nota:** El NRC no exige información personalmente identificable, como la dirección de una residencia privada. Una ubicación genérica (nombre de la ciudad/pueblo y estado) puede ser suficiente.

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## Questions?

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- Name of the farm
- Location of the farm (e.g., name of city/town and state)
- Name(s) of the hazardous substance(s) released (ammonia and/or hydrogen sulfide)

**Note:** The NRC does not require personally identifiable information, such as an address for a private residence. A generic location (name of city/town and state) may be sufficient.

You will receive an email from the NRC with a single identification number (CR-ERNS) for your farms(s). Include the CR-ERNS number on the follow-up report discussed in Step 2.

**Step 2:** Within 30 days of the NRC notification, submit an initial written notification to the EPA Regional Office for the area where the release occurs (see [www.epa.gov/epcra/cr-erns-regional-contacts](http://www.epa.gov/epcra/cr-erns-regional-contacts)). Use the Continuous Release Reporting Form.

**Step 3:** Submit a one-time first anniversary follow-up report to the EPA Regional Office.

If there are significant changes at your operation that could result in a change in emissions, additional reporting may be necessary.